



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, FRIDAY, JANUARY 29, 2010

No. 13

## House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 29, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend Dr. Alan Keiran, Office of the Senate Chaplain, offered the following prayer:

Almighty God, Loving Father, Prince of Peace, the star-studded heavens declare Your glory and the sapphire skies the works of Your hands. We are gathered here today, Lord, because we have committed ourselves to the service of our Nation. We are grateful for the many freedoms and opportunities we enjoy, yet mindful of the brevity of human life. As we look to the future, help us to know and do Your will, Your way, for Your glory.

Lord, You have blessed our land with fertile soil, years of plenty and hope for bright tomorrows. You have raised up our Nation's Representatives for a season of fruitful service. May You grant them the opportunity to plant good seeds in good soil and see across this land the tangible fruit of their selfless labor. And Lord, we pray today for all of those who are in harm's way and their loved ones, asking that Your mighty hand will protect them and deliver them from evil.

This I pray in the Name of Our Redeemer. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore 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 HON. DONNA F. EDWARDS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON TODAY

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 29, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, January 29, 2010.

Hon. NANCY PELOSI,  
*Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 29, 2010 at 9:35 a.m.:

That the Senate passed S. 2799.

That the Senate passed S. 2968.

That the Senate passed without amendment H.R. 4508.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, January 29, 2010.

Hon. NANCY PELOSI,  
*Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 28, 2010 at 5:21 p.m.:

That the Senate agreed to with an amendment H.J. Res. 45.

That the Senate agreed to S. Res. 397.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Pursuant to 36 U.S.C. 2302, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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



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the House to the United States Holocaust Memorial Council:

Mr. WAXMAN, California  
 Ms. GIFFORDS, Arizona  
 Mr. KLEIN, Florida  
 Mr. LATOURETTE, Ohio  
 Mr. CANTOR, Virginia

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. HOYER) for January 26 and 27 on account of travel to Haiti.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act; to the Committee on the Judiciary.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4508. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House adjourned until Tuesday, February 2, 2010, at 12:30 p.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5853. A letter from the Acting Secretary, Federal Trade Commission, transmitting Biennial report on the Do-Not-Call Registry; to the Committee on Energy and Commerce.

5854. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

5855. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting letter regarding the Determination to Award Sole-Source Bridge Contracts to Provide Property Management Support for Federal Housing Administration Single Family Homes; to the Committee on Foreign Affairs.

5856. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's annual report on

the Federal Manager's Financial Integrity Act in accordance with Public Law 97-255 and Public Law 100-504; to the Committee on Oversight and Government Reform.

5857. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5858. A letter from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5859. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Fiscal Year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5860. A letter from the Co-Chief Privacy Officer, Federal Election Commission, transmitting the Commission's Privacy Act Report for fiscal year 2009, pursuant to Section 522 of the Consolidated Appropriations Act for 2005; to the Committee on Oversight and Government Reform.

5861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components, Inc. (ECI) Reciprocating Engine Cylinder Assemblies [Docket No.: FAA-2008-0052; Directorate Identifier 2008-NE-01-AD; Amendment 39-16151; AD 2009-26-12] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes [Docket No.: FAA-2009-0686; Directorate Identifier 2009-NM-044-AD; Amendment 39-16155; AD 2009-26-16] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines; Delay of Effective Date [Docket No.: FAA-2009-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16103; AD 2009-24-11] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fire Fighting Enterprises Limited Portable Halon 1211 Fire Extinguishers as Installed on Various Transport Airplanes, Small Airplanes, and Rotorcraft [Docket No.: FAA-2009-1225; Directorate Identifier 2009-NM-257-AD; Amendment 39-16159; AD 2010-01-03] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines [Docket No.: FAA-2007-27687; Directorate Identifier 2000-NE-42-AD; Amendment 39-16144; AD 2009-26-09] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ALF502 Series and LF507 Series Turbofan Engines [Docket No.: FAA-2007-0096; Directorate Identifier 2007-NE-39-AD; Amendment 39-16141; AD 2009-26-06] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes [Docket No.: FAA-2009-1211; Directorate Identifier 2009-NM-121-AD; Amendment 39-16149; AD 2009-26-10] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-1210; Directorate Identifier 2009-NM-165-AD; Amendment 39-16148; AD 2008-10-09 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes [Docket No.: FAA-2009-0637; Directorate Identifier 2008-NM-183-AD; Amendment 39-16153; AD 2009-26-14] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes, and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes [Docket No.: FAA-2009-0412; Directorate Identifier 2009-NM-022-AD; Amendment 39-16154; AD 2009-26-15] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5871. A letter from the Deputy Assistant Secretary for Import Administration, Alternate Chairman, Department of Commerce, transmitting the Department's annual report for fiscal year 2008 on the activities of the Foreign-Trade Zones Board, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 995. Resolution of inquiry requesting the President to transmit to the House of Representatives all information in the possession of the Administrator of the Environmental Protection Agency relating to nutrient management of the Illinois River Watershed, Arkansas and Oklahoma; with amendments (Rept. 111-047). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. House Resolution 983. Resolution

requesting the President, and directing the Secretary of Health and Human Services, to transmit to the House of Representatives copies of documents, records, and communications in their possession relating to certain agreements, regarding health care reform (Rept. 111-408). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In the Matter of Representative Fortney "Pete" Stark (Rept. 111-049). Referred to the House Calendar.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on House Administration and the Judiciary discharged from further consideration. H.R. 2517 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committees on Intelligence (Permanent Select) and Financial Services discharged from further consideration. H.R. 3845 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself and Mr. McDERMOTT):

H.R. 4552. A bill to amend the Electronic Fund Transfer Act to provide protection for consumers who have government benefit cards; to the Committee on Financial Services.

By Ms. FUDGE:

H. Res. 1049. A resolution recognizing the murders of the Imperial Avenue Eleven as a tragedy and an example of the need to continue the fight to eradicate violence against women; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. COBLE and Mr. KLEIN of Florida.

H.R. 690: Mr. McMAHON and Mrs. CHRISTENSEN.

H.R. 2160: Mr. BONNER.  
 H.R. 2271: Mr. INGLIS.  
 H.R. 2669: Mr. CAPUANO.  
 H.R. 3578: Mr. STUPAK.  
 H.R. 3993: Mr. BURTON of Indiana.  
 H.R. 3994: Ms. MARKEY of Colorado.  
 H.R. 4274: Mr. THOMPSON of Mississippi and Mr. WELCH.  
 H.R. 4386: Mrs. NAPOLITANO.  
 H.R. 4517: Mr. ENGEL.  
 H.R. 4522: Mr. TONKO and Mr. QUIGLEY.  
 H.R. 4534: Mr. SNYDER and Ms. MCCOLLUM.  
 H. Res. 1022: Mr. SCHIFF.  
 H. Res. 1025: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. KINGSTON, Mr. TIAHRT, Mr. CONAWAY, Mr. CULBERSON, and Mr. OLSON.  
 H. Res. 1032: Mr. BILBRAY, Mrs. BONO MACK, Mr. RUSH, Mr. MINNICK, Mr. FALEOMAVAEGA, Mr. FILNER, and Mr. MASSA.

DISCHARGE PETITIONS—  
ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 5 by Mr. BLACKBURN on the bill (H.R. 391): Edward R. Royce.



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PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, FRIDAY, JANUARY 29, 2010

No. 13

## Senate

The Senate met at 9:30 a.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 Spirit, whose inward fellowship means peace and power, dissolve the barriers that keep our souls from You. Deliver us from the self-sufficiency that will not recognize our need of You. Save us from spiritual blindness that sees the visible but is unaware of the invisible and eternal.

Lord, teach our lawmakers how to be victors over life and not victims of it and that to live worthily, they must put their faith in You. Whether on the mountaintop or in the valley, may they ever be aware that You are walking beside them. Give them, therefore, the wisdom to comprehend Your perspective, plan, and purpose.

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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 29, 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.

ROBERT C. BYRD,  
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, the Senate will proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollcall votes today. The next vote will occur at 5:30 p.m. on Monday, February 1. The vote will be on the motion to invoke cloture on the nomination of Patricia Smith to be Solicitor at the Department of Labor. I advise Senators that they should be here to vote. We are not going to extend the vote on Monday. We must finish the vote about 10 to 6. There will be a strict enforcement of that time. We have to finish for obvious reasons because the 30 hours starts running when we complete the vote. If we go past 6 o'clock, it is past midnight. We want to make sure the vote is over at 10 to 6. Everyone is forewarned that if they are late, they will not be counted as voting.

### SUCCESSFUL LEGISLATIVE WEEK

Mr. REID. Mr. President, we had a very successful week legislatively. I extend my appreciation to Senators on both sides of the aisle, especially my friends on the Republican side. There were no 30 hours used. It worked out extremely well. There was ample time for debate, and there were issues that

were of concern to both parties. Of course, the issues are important to the country.

Without belaboring the issues on which we voted, I wish to spend just a minute on two issues—first, the pay-go rules we passed.

The Presiding Officer has been a great asset to the Senate. He has worked with the chairman of the Budget Committee, Senator CONRAD, and others to focus on finances of our country. The Presiding Officer was a very successful Governor of the Commonwealth of Virginia and noted for what he did with budgetary matters in Virginia.

Pay-go rules are so important. We have rules now, like people have in their individual homes. We are working to do what people who work for a living do, and that is spend money we have. It is not as if we are inventing something new. During the Clinton years, we had pay-go rules. As a result of that, we were able to spend less money than we were taking in. For the first time in decades, in the last 3 years of the Clinton administration, we paid down the national debt by hundreds of billions of dollars. So I hope, looking into the future, we can continue doing that; that is, do it again. It is so important.

I extend my appreciation to Members of the House of Representatives, especially the Speaker and the majority leader, STENY HOYER. They have been focused on this pay-go for more than a year.

We were finally able to get it done over here. It is going to be good for the country. I think the things we did will continue to focus on the money that we do not have and the way we have to get our budget in order. I am especially happy we were able to give the doctors 5 years' reprieve from the Draconian rules that were facing doctors who take Medicare patients.

The other issue I wish to spend a minute on is last evening, again with the cooperation of all Senators, we

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



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were able to pass the Iran sanctions law. It is so important. We all know what that country is doing to its citizens. It is time this country of ours stepped forward and did some things to focus on what they are doing; that is, what Iran is doing. The legislation we passed will certainly allow this to take place.

We have a conference with the House. I will have a conversation later today with the chairman of the committee over there, HOWARD BERMAN, who has been such a good friend of mine personally. He and I came to Washington together in the House of Representatives, but he has also been a great representative of our country in his chairmanship of the Foreign Affairs Committee in the House.

Senator MCCAIN had an amendment about which he is concerned. I appreciate his not offering it last night because it would have caused other amendments from this side being offered.

As a result of the cooperation between both sides of the aisle, we got this legislation passed. We hope to get it out of conference quickly and have the President sign it. It is certainly what we need to do. Iran is a country on which all the world is focusing. We must do everything we can to stop them from acquiring nuclear weapons.

#### 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 be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Rhode Island.

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

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

#### CITIZENS UNITED DECISION

Mr. WHITEHOUSE. Mr. President, I rise this morning to join Chairman LEAHY's eloquent and inspiring remarks of yesterday and express my strong disagreement with the Supreme Court's decision released last week in *Citizens United v. the Federal Election Commission*.

In this astonishing decision, the slimmest of 5-to-4 majorities overturned legal principles that have been in place since Theodore Roosevelt's administration. The five Justices who make up the Court's conservative bloc opened floodgates that had for over a century kept unlimited spending by corporations from drowning out the voices of the American people. It would be hard to call this decision anything other than judicial activism.

Let me start by reminding my colleagues of the long history of success-

ful and appropriate regulation of corporate influence on elections. Federal laws restricting corporate spending on campaigns have a long pedigree. The 1907 Tillman Act restricted corporate spending on campaigns. Various loopholes have come and gone since, but the principle embodied in that law more than 100 years ago—that inanimate business corporations are not free to spend unlimited dollars to influence our campaigns for office—was an established cornerstone of our political system. Monied interests have long desired to wield special influence, but the integrity of our political system always has had champions—from Teddy Roosevelt a century ago to Senators MCCAIN and FEINGOLD in our time, who won a bruising legislative battle with their 2002 bipartisan Campaign Finance Reform Act.

Last week, that activist element of the Supreme Court struck down key protections of our elections integrity, overturned the will of Congress and the American people, and allowed all corporations to spend without limit in order to elect and defeat candidates and influence policy to meet their political ends. The consequences may well be nightmarish. As our colleague, Senator SCHUMER said, one thing is clear: The conservative bloc of the Supreme Court has predetermined the outcome of the next election; the winners will be the corporations.

As my home State paper, the *Providence Journal*, explained:

The ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money. The bulk of the cash will come from corporations, which have much more money available to spend than unions. Candidates will be even more unlikely to take on big interests than they are now.

What could make a big interest more happy than that? The details of this case were quite simple. *Citizens United* is an advocacy organization that accepts corporate funding. It sought to broadcast on on-demand cable a lengthy negative documentary attacking our former colleague, now-Secretary of State Clinton, who was then a candidate for President. The law prohibited the broadcast of this kind of corporate-funded electioneering on the eve of an election. *Citizens United* filed suit, arguing that this prohibition violated the first amendment. The conservative Justices agreed, holding that all corporations have a constitutional right to use their general treasury funds, their shareholder funds, to pay for advertisements for or against candidates in elections.

Although the decision was cast as being about the rights of individuals to hear more corporate speech, its effect will be with corporations—big oil, pharmaceutical companies, debt collection agencies, health insurance companies, credit card companies and banks, tobacco companies—now all moving

without restriction into the American election process.

To highlight the radical nature of this decision, let me put this in the context of true principles of judicial conservatism. Justice Stevens explained in his dissent that the principle of *stare decisis*—“it stands decided”—assures that our Nation's “bedrock principles are founded in the law rather than in the proclivities of individuals.”

It is jarring that the unrestrained activism of the conservative bloc on the Supreme Court led them to pay so little heed to longstanding judicial precedents, brushing them aside with almost no hesitation. Justice Stevens noted that “the only relevant thing that has changed [since those prior precedents] . . . is the composition of this Court.”

Is it truly just a coincidence that this same bloc of Judges just last year invented a new individual constitutional right to bear arms that no previous Supreme Court had noticed for more than 200 years or is something else going on here where core Republican political goals are involved? Is *stare decisis* now out the window, at least with the Republican activist judges?

Another supposed conservative principle thrown aside by these activists was the approach to constitutional interpretation that focuses on the original intent of the Founders. Read the opinions. By far, the most convincing discussion of that original intent appears in Justice Stevens' dissent, not in the majority opinion or in Justice Scalia's concurrence. Justice Stevens, in dissent, correctly explains that the Founding Fathers had a dim view of corporations. They were suspicious of them. They considered them prone to abuse and scandal, and that those corporations that did exist at the time of the founding were largely creatures of the State that did not resemble contemporary corporations. Justice Stevens rightly describes it as:

. . . implausible that the Framers believed “the freedom of speech” would extend equally to all corporate speakers, much less that it would preclude legislatures from taking limited measures to guard against corporate capture of elections.

This lack of historical awareness is, as I will explain, not the only flaw of the majority opinion. Only the dissent points out the most basic point:

. . . that corporations are different from human beings . . . corporations have no consciences, no beliefs, no feelings, no thoughts, no desires.

I would add they have no souls. The dissent explains:

Corporations help structure and facilitate the activities of human beings, to be sure, and their “personhood” often serves as a useful legal fiction. But they are not themselves members of “We the People” by whom and for whom our Constitution was established.

The majority just bypasses this elemental point.

One bedrock principle in our democracy is that the will of the people should be supreme except in very limited circumstances. In the judicial context this means that courts should hesitate before striking down statutes enacted by Congress. But it seems that is not so when core tenets of the Republican platform are involved.

It is not just this one case. There is a pattern that is discernible when these five men get together to strike down laws of Congress they do not like and make new law more to their liking. The pattern is not just discernible, it is unmistakable. It is undeniable. It appears, indeed, to be without exception.

Look at the evidence: There is virtually perfect concordance between the major departures by the activist bloc from conservative judicial tenets—such as judicial restraint, original intent, States rights—and the result in those cases of achieving current Republican political goals. One could probably call this practice “situational judicial restraint.” A rational person could conclude, based on the evidence of the Court’s behavior, the observable results that this and other decisions by the five-man conservative bloc would more properly be characterized as political prize-taking than judicial law-making.

The only unchecked power in the American political system is that of a majority of a court of final appeal. When a small group can seize majority power in a court of final appeal, they answer to no one and can rule as they please. That danger is why courts are ordinarily so careful to answer to rules of judicial practice, respect for precedent, answering the narrowest question, and engaging in honorable, neutral, and logical analysis to arrive at decisions. That is why this conservative majority’s departure from these rules of judicial practice and the association between these departures and outcomes favorable to their political party is so unpleasant.

The steady march of the activist rightwing bloc to establish its conservative political priorities as the law of the land should come to observers as no surprise. It represents the fruit of a longstanding and often very public effort to turn the law and the Constitution over to special interest groups and conservative activists. Conservative institutions, such as the Federalist Society, were created to groom and vet the ideological purity of foot soldiers in the conservative movement. Consider legal historian Steven Teles on the role of the Federalist Society in the Reagan administration:

Society membership was a valuable signal for an administration eager to hire true-believers for bureaucratic hand-to-hand combat. In addition, by hiring this Society’s entire founding cadre, the Reagan administration and its judicial appointees sent a very powerful message that the terms of advancement associated with political ambition were being set on their head: clear ideological positioning, not cautiousness, was now an affirmative qualification for appointed office.

The results of this meld of political ambition, ideological positioning, and judicial appointees have been terrible. Fringe conservative ideas, such as hostility to our Nation’s civil rights, environmental protection, and consumer protection laws, have been steadily dripped into the legal mainstream by endless repetition in a rightwing echo chamber. The mainstream of American law has been shifted steadily to the right by force of this effort, backed by seemingly endless corporate funds. This “rights movement” for corporations, for the rich, the powerful, and the fortunate, has been pursued in a manner—deliberate infiltration of the judicial branch of government—that should concern anybody who respects the law and, in particular, respects our Supreme Court.

The Republican effort to capture that institution for those interests has been a remarkably aggressive and surprisingly explicit effort. Usually, political efforts to capture great public institutions come, as it were, in sheep’s clothing. But this wolf came as a wolf. Consider for example the official Republican Party platform of 2000, which “applauded Governor Bush’s pledge to name only judges who have demonstrated that they share his conservative beliefs and respect the Constitution.” All that was left out was that they should be willing to bend the law and overturn precedents to impose those beliefs.

The pattern is not complicated. America’s big corporate interests fund Republican candidates for office, and those corporate interests want those Republicans to help them. That is as old as politics. Republicans, once elected, make it a priority to appoint judges who want to help them—judges who may give obligatory lip service opposing judicial activism but will actually deliver on core Republican political interests; the conservative bloc of judges overrules precedent and 100 years of practice to open the doors to unlimited corporate political spending; and corporations can now give ever more money into the process of electing more Republicans. Connect the dots: The Republicans are the party of the corporations; the judges are the appointees of the Republicans; and the judges just delivered for the corporations. It is being done in plain view.

The Washington Post recently explained:

“The U.S. Chamber of Commerce is now free to spend unlimited amounts of money on advertisements explicitly attacking candidates.”

The Chamber of Commerce already had announced in November “a massive effort to support pro-business candidates.” So the response from the Republicans, as reported by the Washington Post, should come as no surprise:

Republican leaders cheered the ruling as a victory for free speech and predicted a surge in corporate support for GOP candidates in November’s midterm election.

Now that the Court has taken the fateful step of forbidding any limits on corporation spending to limit campaigns, we can expect to see corporate polluters under investigation by the Department of Justice running unlimited ads for a more sympathetic Presidential candidate; financial services companies spending their vast wealth to defeat Members of Congress who are tired of the way business is done on Wall Street; and defense contractors overwhelming candidates who might dare question a weapons program that they build.

The Court was so eager to give artificial corporations the same rights as natural living human beings that it virtually overlooked foreign corporations. The activist Republican majority leaves wide open the possibility of constitutionally protected rights to influence American elections being held by a Saudi oil company interested in American energy policy, a Third World clothing manufacturer opposed to American labor standards, or a foreign farm conglomerate concerned about America’s food safety rules. Is the five-man conservative bloc’s fealty to corporate power so absolute that they could not bring themselves to say that the first amendment doesn’t protect foreign companies wishing to drown out the voices of American citizens?

Our government is of the people, by the people, and for the people. By refusing to distinguish between people and corporations, the Citizens United opinion undermines the integrity of our democracy, allowing unlimited corporate money to drown out ordinary citizens’ voices. So look out for government of the CEOs, by the CEOs, and for the CEOs, who now have special privileged status: Not only may CEOs use their personal wealth to influence elections, they now get the added megaphone—not available to regular citizens—of being able to direct unlimited corporate funds to influence elections. CEOs now have twice the voice or more of everyday Americans.

I won’t belabor the record here, because it is something of a technical matter, but before I conclude I have to say from the point of view of judicial practice, the majority opinion is disturbing in several ways: First, it uses rhetorical devices that are more consistent with polemic than judicial determination—vastly overstating the opponents’ arguments, using false analysis, knocking over a straw man, indulging in selective quotation and unsupported fact finding.

One example: This is what the conservative bloc found as a fact. And remember, fact finding is not the proper province of an appellate court in the first place, but here is what they found regarding elections:

We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

They just decreed that. So a company comes in, drops a couple of a million dollars in a smear campaign

against an opponent at the bitter end of a race, when it can't be answered, and the next thing you know the person they defended against the opponent is in their pocket. No appearance of corruption? Well, the Supreme Court has decided it: No appearance of corruption. That is clear to them.

Here is another finding of fact by this bloc of judges:

The appearance of influence or access, furthermore, will not cause the electorate to lose faith in our democracy.

They made that up out of whole cloth. There are hundreds of thousands of pages of findings to the contrary in the record of previous Supreme Court decisions they overruled. But, no, they made these unsupported findings.

It is novel, it is naive, and it contrasts with the actual findings of this Senate 100 years ago, which said the following:

The evils of the use of [corporate] money in connection with political elections are so generally recognized that the committee deems it unnecessary to make any argument in favor of the general purpose of this measure. It is in the interest of good government and calculated to promote purity in the selection of public officials.

The evils of the use of corporate money in connection with political elections was so generally recognized 100 years ago that the Senate committee working on that legislation deemed it unnecessary to make any argument in favor of the measure—it was too obvious. Yet now this appellate tribunal has made fact findings that that is all wrong.

Moreover, a small band of conservative Justices departs from regular judicial practice by relying for precedent on its own members' previous concurring and dissenting opinions, as if they were their own little court, building a scaffold of arguments alongside the law, in wait for the right case with a sufficient majority to abandon the law and jump to their scaffold of argument. As Justice Stevens accurately pointed out, the majority opinion of the right wing bloc is essentially an "amalgamation of resuscitated dissents."

Finally, and most disturbingly, the Chief Justice evaluates precedent in terms of whether his five-member bloc objects to it. He is surprisingly outright about this. He said this: "Stare decisis," the principle that a settled question is settled, that it stands decided—"stare decisis effect is . . . diminished when the precedent's validity is so hotly contested that it cannot reliably function as a basis for decision in future cases."

He later continues: "The simple fact that one of our decisions remains controversial . . . does undermine the precedent's ability to contribute to the stable and orderly development of the law."

As anybody looking at this can see, it is a completely self-fulfilling theory, and it allows the five-man right wing bloc on the Court to gradually undermine settled precedent, to tunnel under

it with quarreling objections, hotly contesting it, perhaps even to accelerate the process of undermining it; then, at some point, decree that the settled precedent is no longer valid because they have quarreled with it. Now it must fall.

There can be little doubt that the conservative bloc is laying the foundation for future right wing activism in a seemingly deliberate and concerted effort to expand its political philosophy into our law. Of course, always the dramatic changes observably fall in the direction of the Republican Party's current political doctrine and interests.

I will close by quoting Justice Stevens, who I think puts the fundamental issue of the Citizens United majority opinion in clear relief. "At bottom," he says:

. . . the court's opinion . . . is a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self-government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect—

Justice Stevens concludes—

few outside the majority of the Court would have thought that its flaws included a dearth of corporate money in politics.

I yield the floor.

#### ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS

Mrs. BOXER. Mr. President, the Honest Leadership and Open Government Act of 2007 calls for the Select Committee on Ethics of the U.S. Senate to issue an annual report not later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the committee's activities in 2009 in the categories set forth in the act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the Committee: 99. (In addition, 26 alleged violations from the previous year were carried into 2009.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 58. (This figure includes 12 matters that were carried into 2009.)

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 45. (This figure includes 5 matters that were carried into 2009.)

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 13. (This figure includes 8 matters from the previous year carried into 2009.)

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 0.

(5) The number of alleged violations for which the Committee staff conducted a pre-

liminary inquiry and the Committee dismissed the matter for lack of substantial merit: 8. (This figure includes matters in which the Committee subsequently lost jurisdiction. It also includes two letters of public dismissal.)

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 1.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2009, the Committee staff conducted 10 Member code of conduct training sessions and 5 new Member sessions; 19 employee code of conduct training sessions; 12 Member and committee office campaign briefings; 27 ethics seminars for Member DC offices, state offices, and Senate committees; 3 private sector ethics briefings; and 7 international ethics briefings.

In 2009, the Committee staff handled 12,667 telephone inquiries for ethics advice and guidance.

In 2009, the Committee wrote 996 ethics advisory letters and responses including, but not limited to, 752 travel and gifts matters (Senate Rule 35) and 111 conflict of interest matters (Senate Rule 37).

In 2009, the Committee issued 3,309 letters concerning financial disclosure filings by Senators, Senate staff and Senate candidates and reviewed 1,663 reports.

#### DENYING AL-QAIDA SAFE HAVENS

Mr. FEINGOLD. Mr. President, the attempt to blow up a U.S. airliner on Christmas Day has shined a spotlight squarely, if belatedly, on Yemen. I cannot overstate the importance of denying al-Qaida safe havens in Yemen and countries like it, an issue on which I have been working for years. The threat from al-Qaida in Yemen, as well as the broader region, is increasing, and our attention to this part of the world is long overdue.

That is why I welcome the President's increased focus on Yemen. But we need to remember, as we focus needed resources and attention on Yemen, that it shouldn't be seen as the new Afghanistan, or the new Iraq. Instead, Yemen highlights the importance of a comprehensive, global counterterrorism strategy that takes into account security sector reform, human rights, economic development, transparency, good governance, accountability, and the rule of law.

We must seize the opportunity to focus attention on the strategy and policies we need to deny al-Qaida safe havens around the world, including in Yemen. Concurrently, we need to examine our policy in Yemen and better understand how we can develop a partnership that is both in our national security interest and helps Yemen to move towards becoming a more stable, secure nation for its people. The recognition at the recent high-level international meeting on Yemen in London of the importance of addressing broader economic, social and political factors in Yemen is thus very welcome.

Any serious effort against al-Qaida in Yemen will require strengthening the

weak capacity of the government as well as its legitimacy in the eyes of its citizens. We need to be careful about providing assistance to a government that isn't always aligned with the needs of the Yemeni people, as last year's State Department report on human rights notes. I am pleased to be an original cosponsor with Senators KERRY and FEINSTEIN of a resolution that urges the implementation of a comprehensive strategy to address instability in Yemen that also calls on the Yemeni government to strengthen efforts to address corruption, to respect human rights and to work with its citizens and the international community to address the factors driving instability in the country.

Yemen is a fragile state whose government has limited control in many parts of the country. It faces a multitude of challenges including poverty, a young and growing population, resource scarcities, and corruption. It is also distracted from the counterterrorism effort by two other sources of domestic instability—the al-Houthi rebellion in the North and tensions with a southern region with which Sana'a was united less than 20 years ago. In other words, counterterrorism is hampered by weak governance and by internal conflicts that would not appear on the surface to threaten our interests. With this in mind, we must also work to ensure that, in the provision and use of our counterterrorism assistance to Yemen, care is taken to protect civilians and prevent the alienation of the local population and attention is given to the local conditions that enable militants to recruit followers.

Instability in Yemen is, of course, also closely linked to conflict in the Horn of Africa. Last year, Somali pirates attacked a U.S. vessel, which briefly raised awareness of maritime insecurity fostered by a lack of effective governance and insufficient naval capacity on both sides of the Gulf of Aden. This problem continues, even when it is not on the front pages, and is both a symptom and a driver of overall instability in the region. Meanwhile, refugees from the conflict in Somalia, as well as from the broader region, are fleeing to Yemen. According to the Office of the United Nations High Commissioner for Human Rights, more than 70,000 Somalis and Ethiopians arrived on Yemen's shores in 2009—a dramatic increase from previous years. The human cost to this exodus, as well as the potentially destabilizing effects, demand our attention.

Congress and the executive branch need to work together to ensure that the weak states, chronic instability, vast ungoverned areas, and unresolved local tensions that have created safe havens in which terrorists can recruit and operate do not get short shrift in our counterterrorism efforts. We cannot continue to jump from one perceived "central front in the war on terror" to the next. Local conditions in places like Yemen—as well as Somalia,

north Africa and elsewhere—will continue to enable al-Qaida affiliates and sympathizers to recruit new followers. As a result, although we should aggressively pursue al-Qaida leaders, and our efforts to track individual operatives are critical, we will not ultimately be successful if we treat counterterrorism merely as a manhunt with a finite number of al-Qaida members. I am pleased to see that Ambassador Daniel Benjamin has underscored the importance of our counterterrorism efforts addressing conditions that facilitate recruitment to terrorism and extremism. I hope this understanding is shared throughout our government agencies and in the implementation process.

To effectively fight the threat from al-Qaida and its affiliates in Yemen and elsewhere, we also need to change the way our government is structured and how it operates.

In this regard, we need better intelligence. For example, we need to improve the intelligence that relates directly to al-Qaida affiliates—where they find safe haven and why and the local conflicts and other conditions that create a fertile ground for terrorist recruitment. And we need to pay attention to all relevant information—including the information that the State Department and others in the Federal Government openly collect. Conditions around the world that allow al-Qaida to operate are often apparent to our diplomats, and do not necessarily require clandestine collection. The information diplomats and others collect therefore should be fully integrated with the intelligence community.

That is why I have proposed and the Senate has approved a bipartisan commission to provide recommendations to the President and to the Congress on how to integrate and otherwise reform our existing national security institutions. Unless we reform how our government collects, reports and analyzes information from around the world, we will remain a step behind al-Qaida's global network.

We also need better access to important countries and regions. When our diplomats aren't present, not only will we never truly understand what is going on, but we also won't be able to build relationships with the local population. In some cases, we can and should establish new embassy posts, such as in northern Nigeria. In other cases, such as Yemen, where security concerns present obstacles, we should develop policies that focus on helping to reestablish security, for the sake of the local populations as well as for our own interests.

In addition, as Yemen makes clear, we need strong, sustained policies aimed directly at resolving conflicts that allow al-Qaida affiliates to operate and recruit. These policies must be sophisticated and informed. We have suffered from a tendency to view the world in terms of extremists versus

moderates, good guys versus bad guys. These are blinders that prevent us from understanding, on their own terms, complex conflicts such as the ones in Yemen that undermine broader counterterrorism goals. This approach has led us to prioritize tactical counterterrorism over long-term strategies. And it has contributed to the misperception that regional conflicts, which are often the breeding grounds for al-Qaida affiliates, are obscure and unimportant and can be relegated to small State Department teams with few resources and limited influence outside the Department. We must change this dangerous pattern, which is why my resolution with Senators KERRY and FEINSTEIN urges a comprehensive policy toward Yemen, approved at the highest levels and agreed upon by the entirety of the U.S. Government.

We have an opportunity to take a smarter approach. By recognizing al-Qaida as a global network that takes advantage of local conditions, instead of a monolithic threat, we can get ahead of the curve and identify threats before the next attack.

#### 65TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. CARDIN. Mr. President, on January 27, 1945, the Nazi concentration camp at Auschwitz, including Birkenau and other related camps near the Polish city of Oswiecim, was liberated by the Soviet Army. This week, people have gathered at Auschwitz and in many other places to mark the 65th anniversary of that event. I am pleased that President Obama presented a video address in which he underscored—using Elie Wiesel's words—the sacred duty of memory.

Auschwitz-Birkenau was the principal and most notorious of the six death camps built by Nazi Germany to achieve its goal of the mass extermination of the Jewish people of Europe. Built in Nazi-occupied Poland initially as a concentration camp for Poles and later for Soviet prisoners of war, it soon became a prison for a number of other nationalities.

Ultimately, a minimum 1,300,000 people were deported to Auschwitz between 1940 and 1945, and of these, at least 1,100,000 were murdered at that camp. An estimated 6 million Jews—more than 60 percent of the pre-World War II Jewish population of Europe—were murdered by the Nazis and their collaborators at Auschwitz and elsewhere in Europe. In addition, hundreds of thousands of civilians of Polish, Roma, and other nationalities, including in particular disabled individuals, homosexuals, political, intellectual, labor, and religious leaders, all of whom the Nazis considered 'undesirable,' as well as Soviet and other prisoners of war, perished at Auschwitz.

On that day of liberation, 65 years ago, only 7,000 camp prisoners who had passed through the infamous Auschwitz gates, the ones who promised



“Arbeit Macht Frei”—“Work Will Make You Free”—managed to survive the selections, torture, starvation, disease, inhuman medical experiments, and executions that occurred at Auschwitz.

According to a new survey published this week by the Organization for Security and Cooperation in Europe, OSCE, at least 41 of the OSCE’s 56 participating states commemorate the Holocaust with official events. Thirty-three participating states have established official memorial days for Holocaust victims, and January 27 is the official Holocaust Memorial Day in many European countries, including Denmark, Estonia, Germany, Greece, Italy, Sweden, and the United Kingdom. I am deeply gratified that since 2005, the United Nations has also observed January 27 as a day of remembrance for the victims of the Holocaust. In fact, Auschwitz-Birkenau was inscribed on the UNESCO World Heritage List in 1979.

I personally visited Auschwitz in 2004 and cannot overstate the importance of the Memorial Museum there today in the effort to teach future generations about the Holocaust. The recent theft of the “Arbeit-Macht-Frei” sign—which, fortunately, was recovered—has certainly heightened awareness of the need for additional security measures there, and I support the efforts to secure increased funding for the preservation of the Memorial Museum.

Teaching about the Holocaust is an obligation that must be met not only at Auschwitz, but at places where people learn around the globe. As chairman of the Commission on Security and Cooperation in Europe, I am deeply concerned by the rise of anti-Semitism and violent extremism in some OSCE participating states. In particular, I am deeply troubled by the continued prevalence of Nazi-era discourse to describe Roma. As Thommas Hammarberg, the Council of Europe Commissioner for Human Rights, has said:

Even after . . . the Nazi killing of at least half a million Roma, probably 700,000 or more, there was no genuine change of attitude among the majority population towards the Roma.

With this concern in mind, I was pleased to learn that the United Nations invited the OSCE senior advisor for Romani issues, Andrzej Mirga, to participate in the commemoration they organized this year. Sadly, as Mr. Mirga observed, although approximately 23,000 Romani people were sent to Auschwitz, none were among the survivors liberated there 65 years ago.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WEBB (for himself and Mr. WARNER):

S. 2970. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Finance.

By Mr. KERRY:

S. 2971. A bill to authorize certain authorities by the Department of State, and for other purposes; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DORGAN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KERRY, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. BOXER, Ms. SNOWE, Mr. WICKER, and Mr. PRYOR):

S. Res. 402. A resolution expressing support for the designation of January 28, 2010 as National Data Privacy Day; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 752

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord’s Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord’s Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2961

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2961, a bill to provide debt relief to Haiti, and for other purposes.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 402—EXPRESSING SUPPORT FOR THE DESIGNATION OF JANUARY 28, 2010 AS NATIONAL DATA PRIVACY DAY

Mr. DORGAN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KERRY, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. BOXER, Ms. SNOWE, Mr. WICKER, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 402

Whereas the protection of the privacy of personal information has become a global imperative for governments, commerce, civil society, and individuals;

Whereas advances in modern technology enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the creation and the innovative use of such technologies;

Whereas the pervasive use of technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken to protect personal information;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of international businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens and young adults in schools and Universities across the country;

Whereas the second annual recognition of National Data Privacy Day will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information; and

Whereas January 28, 2010, would be an appropriate day to designate as National Data Privacy Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of a National Data Privacy Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages educators and privacy professionals to discuss data privacy and protection issues with teens in high schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design privacy into products they create where possible, and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 9, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine financial transmission rights and other electricity market mechanisms.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Gina\_Weinstock@energy.senate.gov.

For further information, please contact Leon Lowery or Kevin Huyler or Gina Weinstock.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before Committee on the Energy and Natural Resources, previously announced for February 9th, has been rescheduled and will now be held on Thursday, February 11, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail\_Campbell@energy.senate.gov.

For further information, please contact Mike Carr or Abigail Campbell.

## NATIONAL DATA PRIVACY DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 402.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 402) expressing support for the designation of January 28, 2010, as "National Data Privacy Day."

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

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

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

The resolution (S. Res. 402) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 402

Whereas the protection of the privacy of personal information has become a global imperative for governments, commerce, civil society, and individuals;

Whereas advances in modern technology enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the creation and the innovative use of such technologies;

Whereas the pervasive use of technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken to protect personal information;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of international businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens and young adults in schools and Universities across the country;

Whereas the second annual recognition of National Data Privacy Day will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information; and

Whereas January 28, 2010, would be an appropriate day to designate as National Data Privacy Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of a National Data Privacy Day;

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(3) encourages educators and privacy professionals to discuss data privacy and protection issues with teens in high schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design privacy into products they create where possible, and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

## ORDERS FOR MONDAY, FEBRUARY 1, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, February 1; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to executive session to debate the nomination of Patricia Smith; finally, I ask that the RECORD remain open until 12 noon today for the introduction of legislation, submission of statements, and cosponsors requests.

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

## PROGRAM

Mr. REID. Mr. President, the next vote will be at 5:30 p.m. Monday. That will be on the motion to invoke cloture on the nomination of Patricia Smith to be Solicitor for the Department of Labor.

I announced earlier that the vote on Monday will end at 5:50 p.m. If somebody's plane is late, or whatever the situation, that is what it is going to have to be. We have to close that vote for procedural purposes, as everybody knows.

## ORDER TO ADJOURN

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator SESSIONS.

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

## DEFICIT REDUCTION

Mr. SESSIONS. Mr. President, a number of things of importance have

happened with regard to our financial condition over a period of years. Actually, this week the President, in his State of the Union Address, made some reference to the seriousness of our financial condition. I think his comments were far too weak, and he insufficiently advised the American people of how serious our condition is.

Yesterday, in the Budget Committee, Mr. Elmendorf, who is the CBO Director selected by our Democratic majority in the Congress and whom I think tries his best to do the right thing day after day and give us the right numbers to make our plans upon, told us a lot of things that were very troubling. He was just repeating that the dire predictions and dire assessments they have made previously, which are, if anything, on track and getting worse. They haven't misjudged the numbers and how bad our debt is increasing, but, in fact, if anything, they may have underestimated them.

I will just quote one thing in his statement to us yesterday. He talked about analyzing the American debt or how much money we owe as a percentage of the size of our economy—as a percentage of GDP, gross domestic product. That is one way economists like to look at it. He pointed out that the numbers might look a little better, but there are a number of things that are on the table that are likely to occur. I think he is exactly correct about that; if those things occur then the situation realistically is even worse. He analyzed if the tax cuts were made permanent and if the alternative minimum tax is indexed for inflation. The President proposed to make some of the tax cuts permanent, and Members of Congress are reluctant to see taxes increase substantially, which will occur if the tax cuts aren't extended but are allowed to expire. Each year we address the alternative minimum tax because it is falling ferociously on middle-income Americans, and disproportionately on families with children. Every year, we indexed it and fixed it so it doesn't impact so many people, but for 1 year only. But when the CBO tries to predict the budget deficit, they have been assuming that the AMT would go back to its high rate, and we would have more income coming in because we are taking these increased taxes from American families.

However, instead of fixing it permanently, which would score a loss of revenue over 10 years, we only fix it 1 year, and the CBO has to assume based on what the law is that it would not be fixed again and that these taxes will be imposed on Middle America and we will have more revenue and make the budget numbers look better. But I don't think we are going to not fix AMT. Frankly, we may not be able to 100 percent fix it, in my view, but that is what the votes have been each year, to fix it 100 percent.

He notes that if annual appropriations keep up with the increasing gross domestic product, as they have over

the last 20 years, which is about where increases in spending has fallen, the deficit in 2020 would be historically large as a percentage of GDP, and the annual deficit would be large as a percentage of GDP. Then he said:

The debt held by the public would equal nearly 100 percent of GDP. This is a level of debt that most economists say has the ability to create instability and a lack of confidence in the United States Government and it would have adverse economic ramifications throughout our economy. In other words, once the Nation reaches this high of a level of debt, we have a very serious problem, and it is very difficult to extract yourself from the cliff with those kinds of huge deficits.

I think the President should have talked about that in real detail. He did say on the discretionary accounts, which amount to about 18 percent of our budget, he would like to have a freeze, and he made some exceptions and said that freeze wouldn't be this year, though. Instead, it would be next year because that is the way things work, and I wish to talk about that for a minute. I think our Congress needs to be more serious about it, and the President needs to be more serious about it.

Senator MCCASKILL, my Democratic colleague, and I offered an amendment yesterday that was voted on, and I think 17 Democrats joined with all but one Republican to vote for it, and it would have helped. It would have said the budget we passed—which I will explain to my colleagues how we violate it—the budget we passed that allows the 1 percent to 2 percent increase in discretionary spending accounts would be enforced. In other words, there would be a cap on our spending. So we put in this amendment that we offered the actual dollar amounts in the budget we passed last year—or basically the Democrats passed last year—and we wouldn't go above that. It would take a two-thirds vote to go above those top line numbers. That would work. This was done in 1990 and in 1997. They had statutory caps, not just budget caps, and those statutory caps led to a consistent reduction in annual deficits to the point that by the late 1990s we were in surplus for 4 years from 1998 through 2001. We had surpluses for the first time in decades. Then we allowed the statutory caps to expire and we got back on this spending track that has put us in this deficit situation that exceeds anything we have ever done before in the history of the American Republic; nothing close to it, except World War II.

But when the war ended, we promptly got back on the right track and brought the economy back into sound shape. I don't see us heading in that direction. It is going to take bold leadership.

We received 56 votes to put these statutory caps in, but it took 60, so it is not the law. I am disappointed about that. If you want to know the truth, I think the leadership in the Senate didn't mind how many voted for it, as long as it wasn't 60, because it crimps their style.

The President, during his State of the Union Address, made some confusing statements about his commitment and the depth of it to dealing with the problem. He gave some lip-service to the freeze, which I think I am going to support, and I will back him on that all I can. I hope he can do that. However, there were other things that were contrary to a freeze. For example, he said we were going to take money from the Wall Street bailout, the TARP money as we call it, and he said:

I am proposing that we take \$30 billion of the money Wall Street banks have repaid and use it to help community banks give small businesses the credit they need.

Well, that sounds OK, except that is \$30 billion more. Well, we took it from the TARP money that they paid back, so that doesn't count. That doesn't count? It does count.

At the budget hearing yesterday, Senator GREGG, the ranking Republican and former chairman of the Budget Committee, who is an expert on this and very respected, asked this question of Mr. Elmendorf.

The budget Chairman:

There has been a lot of talk about the fact that the TARP money is available to spend somewhere else. First, the law doesn't allow that.

Parenthetically, I would note that Senator GREGG put in the language. He foresaw that when the banks paid back the money they were given as part of this financial bailout, it shouldn't be used as a slush fund to spend. He wrote it in there. So he said:

First, the law doesn't allow that. It is supposed to reduce the debt. But I want to clarify the fact that there is no TARP money. All of this money has to be borrowed, right? Every cent of the TARP money is borrowed from China or somebody else, right?

Mr. Elmendorf answered:

There is just one pool of government money and everything else is sort of accounting treatments to keep track of various purposes. But, yes, if more is spent through the TARP, that is just more that's spent and more that's borrowed, and more that goes to the Federal debt.

So there is no free money in the TARP repayments. We borrowed the money, every penny of it, to give to those banks. When they pay it back, we have a debt to pay down.

That is what we were supposed to do. That is what Senator GREGG put in the bill. Now they claim they have some free money paid back by the banks, and we can just spend it. That is what the President said, and it is not accurate. That is wrong, and it doesn't prove to me that he understands he has to fight every day over every billion dollars to contain the natural tendency of this body to spend.

Mr. President, I point out that even though the President talked about a freeze, he talked about \$30 billion for banks, not big banks, but this free money he apparently suggests has now appeared as a result of the repayment of the loans they got in the financial bailout. Some of the banks didn't even

want the loans. They forced them to take it, basically. Some have been told they should not pay it back. They don't want them to pay it back, when the banks are ready to pay it back. At any rate, some of that is paid back. We borrowed the money to give it to them. When it is paid back, it is not extra, free money. We always assumed that most of this money would eventually be paid back.

I point out as to how big a need it is to spend \$30 billion out of this money for community banks instead of big banks, to give small businesses credit. Well, what did the community banks say? They don't want the TARP.

According to the Christian Science Monitor yesterday, the headline is: "Community Bankers to Obama on TARP: Thanks, But No Thanks." Community bankers say they have plenty of money now. That isn't the problem with loaning money. It says:

"The whole TARP program is perceived as a misadventure by the public," says Dennis Jacobs, chief economist for Gallup, Inc. in Washington. "I think it is greatly disliked."

Now we are getting the money back from the big banks, and now the other bankers said they don't need it. Also, as we talk about money, the President is proposing a second stimulus package. The first one passed was scored at \$787 billion, the largest expenditure in the history of the American Republic—a breathtaking amount of money, so large that most people have not been able, in any realistic way, to apprehend how large it is. I just point out that the State of Alabama, one-fiftieth of the Nation, an average-size State with over 4 million people—our budget, the general fund, is about \$2 billion.

Senator WARNER was Governor of Virginia and did a fabulous job and was well respected for his work. I am sure they didn't have a \$100 billion budget. I don't know what it was, but it is a lot less than that.

We spent over \$700 billion on one vote on one day, out the door, and every penny of it was borrowed because we were already in debt. So if you spend more money, you have to borrow it. However, now it is not \$787 billion. Based on some of the entitlement language we put into the bill, it is now at \$862 billion. Some people said they would not vote for a bill over \$800 billion, so they got it under. In truth, surreptitiously, they put in guaranteed benefits for certain programs, and those have now claimed the money, and it is over \$800 billion. I think it is \$862 billion. That is a pretty big overrun—\$75 billion. Just like that. We didn't vote on it really.

Now we have stimulus II. This is what the President said:

Now the House has passed a jobs bill that includes some of these steps [referring to clean energy and high-speed rail]. As the first order of business this year, I urge the Senate to do the same. . . .

I thought we had a freeze on spending. Let me tell you what the House's so-called jobs bill does. It costs \$150 bil-

lion. Spending. Another \$150 billion in spending, with \$28 billion for highways, and about \$2.5 billion for railroads, and \$2 billion for clean energy.

Well, if I recall, we were told that the \$787 billion stimulus bill was designed for what primary purpose? Jobs and to rebuild our crumbling infrastructure. They talked about roads and bridges that have fallen in and interstates getting old and needing all this work. Do you remember that? That is how the bill was sold by this administration. I don't want to be just partisan carping, but that is what they told us.

Amazingly, less than 4 percent of the stimulus bill that we passed—the \$787 billion package—went to highways and infrastructure, less than 4 percent. I complained about that. I remember making speeches on it because jobs are created when you build a highway. At least you have something permanent that benefits the Nation—perhaps replacing a bridge that you are going to have to replace anyway, and you get a benefit for everybody from improving our infrastructure, although that is not a philosophy that will always stand us in good stead. We were trying to create jobs, and at least we should have focused on infrastructure.

Now they are coming back with \$150 billion more—\$28 billion for highways and \$2.5 billion for railroads. That is not good management of money. That is not good spending.

The President went on to say this:

According to the Congressional Budget Office, the independent organization that both parties have cited as the official scorekeeper for Congress, our approach would bring down the deficit by as much as \$1 trillion over the next two decades.

He is talking about the health care bill that did not pass. He said it would bring down the deficit by as much as \$1 trillion. That is not accurate. The CBO on December 19 of last year, trying to get out these scores as fast as they could, said it would cut the deficit by roughly \$1 trillion. Then they revised it 1 day later. The official score was that it would reduce the deficit about half that amount.

As I explained on the floor, that is a product of miscalculation—deliberate miscalculation. Let me explain.

The way they get this score in the first 10 years, for example, is they said it would create a surplus of \$132 billion if we would pass this health care bill. Isn't that great? You add 20 million people to the rolls, give many of them subsidized health care, and you are going to reduce the costs and you are going to save money. That is a pretty good deal if you can get it. But, of course, you cannot get something for nothing. Nothing comes from nothing.

What happened was, Medicare scored that if you cut Medicare benefits, as the administration proposed, and you increase Medicare taxes, as they proposed, you create extra money in Medicare and you extend the life of Medicare. Medicare is going into bankruptcy, but this would extend the life

of it. That is an honest and correct score.

The Congressional Budget Office utilizes what it calls the unified budget. They score the whole budget as to how it comes out. The amount of money is increased to the government through Medicare, and they score that as a gain. Since the health care bill would not take effect or pay benefits until 4 or 5 years later—although the taxes increase now—then over 10 years, it would create a surplus of \$132 billion. Sound good? But I read the small print of the CBO letter and the small print of the Medicare letter.

The Medicare Chief Actuary told us that if you raise taxes and you cut spending in Medicare, it will extend the life of Medicare. But he had a parenthetical line in there. He said: Of course, you cannot simultaneously use the Medicare savings to fund a new program and claim it does both. You would be spending the money twice. How logical is that? But that is what they did. He used this phrase: "Although the conventions of accounting might suggest." What he is saying is, Medicare scores the money. They scored it accurately. Mr. Elmendorf and CBO score it as a unified budget. They said you have more money for Medicare and spending in the first 10 years of the health care plan—it is less than that—so you have a net surplus, right? Looks good. Sounds good. But that is not so because there is a bond, a debt instrument from the U.S. Treasury back to the Medicare Trust Fund. As soon as Medicare starts going into deficit again, they are going to cash in those bonds and the government is going to have to then borrow the money on the open market.

According to the CBO, it would not increase the deficit but it would increase the debt of America. When we raised the debt limit yesterday—and my colleagues voted to do so—the internal debt between the Treasury and Medicare, counts as part of the Nation's debt. It is an internal debt. It is not scored the same way. But sooner or later, when Social Security and Medicare start cashing in and claiming their money, the U.S. Treasury has to do something. What they are going to do and what they have been doing is convert those debt instruments and go out and sell bonds in the marketplace. Whatever the interest rate, they have to pay to China, individuals in the United States, and others who buy those Treasury bills. We are selling so many of them it is no doubt going to drive up the interest rate.

These numbers are not real. My concern and my criticism of the President's address is not that he said we ought to have a freeze. I salute that, and I will support that. But he did not indicate the severity of the crisis we are in.

Two years ago, President Bush's last year, he had a \$460 billion deficit which I think at that time was the highest deficit since World War II. It spiked up

as a result of increased spending and the recession we are in. Last year, the debt was \$1.4 trillion, 1,400 billion dollars, three times what it was. And this year the projected deficit is going to be almost the same, according to Mr. Elmendorf's report.

It continues this way, unfortunately, throughout the decade and will average, based on the planned expenditures and revenues as set forth by the Obama administration's budget, almost \$1 trillion a year in deficits. This is why experts are repeatedly telling us it is unsustainable. We will be maintaining deficits twice as large as anything we have ever seen for the next decade.

Let me show what it means in one area that I think all of us can understand. When you borrow money, you pay interest on it. Each year, the interest we pay on the debt is one of the biggest line items in the whole budget. If the debt goes up from \$5.7 trillion in 2008 to \$17 trillion in 2019, which is what they project will happen, the interest rate is going to go up. It will go up even more than that. It will go up more. Interest rates are extraordinarily low as a result of the economic slowdown. They are going to go up, and they are going to hit us in the book.

Here is what CBO says will happen. In 2009, we paid \$200 billion in interest on the debt. In 2019, they project we will pay \$799 billion. They project an increase in rates and an increase in debt—a tripling of debt and an increase in interest rates—which leads to four times as much interest being paid over that period of time. Frankly, it does not include some other factors in there also.

I have to say to my colleagues, I am sorry we did not pass the statutory cap we offered this week. But I was encouraged by so many of our Democratic colleagues who saw fit to support it. I think it is indicating there is a recognition in this body that we are going

to have to do some tough things. We cannot keep spending like this. There is always some excuse for it. We cannot continue it.

Think about this. The Federal Highway Program a few years ago, before we had the stimulus package, was about \$40 billion a year. Federal aid to education is about \$40 billion a year. Other programs are in that range. It gives you a picture of what kind of dollars we are talking about. But if you add \$600 billion in increased interest payments over this next decade, in 1 year \$600 billion more, this is going to crowd out spending for all kinds of programs that we wish to fund.

We are going to be in a dilemma. How much more can we borrow—100 percent of GDP? More?—without destabilizing our currency or cutting spending? And it is going to crowd out spending on items we need to be spending money on. It is going to be crowded out by the interest payment which will exceed all expenditures in the budget, well above the defense budget even, the largest expenditure.

This is a stunning path we are on. Mr. Elmendorf reconfirmed it yesterday in his testimony before the Budget Committee. I am worried about it. The American people are worried about it. I don't think they know it is as bad as it is, but they know it is not good. They know there is no free lunch. They know nothing comes from nothing, and that we have to pay for what we do around here. We cannot continue to borrow, borrow, borrow, stimulate today and maybe 1 day in the future we will get around to paying it.

I offer to you, in 2019, there is no plan to pay down a dime of the debt. It is just to pay the interest on the debt. In 2019, we will add \$1 trillion more to the debt of America. It is going up almost \$1 trillion a year, and these are out-years, according to CBO analysis. Nothing is perfect that far out. It could

be better; it could be worse. They are not projecting a recession in the out-years; they are projecting steady economic growth. It could be worse.

We have to do better. This is not a matter that is going away. The American people instinctively have it right. They are telling us in rallies and tea parties: You guys have to do better. You are being irresponsible. I think they are fundamentally correct. They have every right to be upset with us. We can do better. We must do better. And I hope we will.

Mr. President, I thank you for the opportunity to make these remarks. It is something we are going to have to continue to work on. We cannot continue this path. If we put our mind to it, we can fix this situation. It is not a challenge beyond our capacity. But make no mistake, financially I doubt we have ever been in a situation that requires as much clarity and as much determination as is going to be required over the next decade, and some painful decisions are going to have to be made. They are going to have to be made.

That means containing spending and resisting the temptation to create more and more new programs that inevitably cost more than they were projected to when they started.

I thank the Chair, and I yield the floor.

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ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 1, 2010, AT 2 P.M.

The ACTING PRESIDENT pro tempore. The Senate stands adjourned until Monday, February 1, 2010, at 2 p.m.

Thereupon, the Senate, at 11:39 a.m., adjourned until Monday, February 1, 2010, at 2 p.m.

## EXTENSIONS OF REMARKS

### CELEBRATING NEW FRIENDSHIP MISSIONARY BAPTIST CHURCH'S 100TH ANNIVERSARY

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to today to celebrate the 100th anniversary of New Friendship Missionary Baptist Church of Dallas, Texas.

The church's theme for its 100th year is "revitalization." Founded in 1910, the congregation of New Friendship has faithfully marched on through World War I, a 1928 fire, the Great Depression, World War II, desegregation, and a long list of other historic events that many other institutions did not survive. This congregation has been under the leadership of a host of the country's foremost preachers. Through their leadership, New Friendship has built and completely paid off two mortgages while always keeping their pledge to be debt free.

Fifteen founding members organized the church in the home of their first pastor. The congregation grew from this small but dedicated group to a congregation of 200 by 1953 to 500 in 1979 and to today's active membership. Under the leadership of the current pastor, Reverend Johnny A. McGee, who has been with the church since 1988, New Friendship has implemented important ministries serving the community, couples, and prison inmates, as well as providing food and bus services for those in need.

The church pastors, deacons, associate ministers and the active members have created a strong foundation of love and faith for this church to stand. I urge my fellow colleagues to join me in congratulating and celebrating the 100th anniversary of New Friendship Missionary Baptist Church.

### RECOGNIZING THE MEN AND WOMEN OF THE U.S. BORDER PA- TROL AND NASA ASTRONAUT DR. JOHN "DANNY" OLIVAS

#### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. REYES. Madam Speaker, this week I was honored to participate in a very special ceremony that became a part of the proud history of the United States Border Patrol. I had the privilege of joining Dr. John "Danny" Olivas, one of NASA's great astronauts, in my congressional district to unveil a special U.S. Border Patrol flag that traveled with the crew of STS-128 to the International Space Station in August of last year.

Before his mission to the International Space Station, Dr. Olivas approached me and generously offered to fly an item with him and

his fellow crewmates into space. We felt that flying the banner of the Border Patrol would be a wonderful symbol to represent our nation's appreciation for the agency's outstanding professionals of the past, present, and future.

The flag was flown 85 years after the U.S. Border Patrol was founded in 1924. As a fledgling agency, the Border Patrol had only a handful of agents who patrolled America's vast borders on horseback. Today, the agency boasts approximately 20,000 men and women who work to keep our nation secure at 20 sectors throughout the United States, Puerto Rico, and the Virgin Islands.

Dr. Danny Olivas and the crew of STS-128 traveled a total of 5.7 million miles during their mission, at speeds as high of 17,000 mph. Aboard this special journey was the banner of the United States Border Patrol.

On January 26, I joined Dr. Olivas and Acting U.S. Border Patrol Chief Michael Fisher at the National Border Patrol Museum in El Paso, Texas, where the flag will be on permanent display. Dozens of agents, students, and community members were present to view the newest and most traveled exhibit in the museum's collection.

At the event, Dr. Olivas told students that there are many ways to serve our great country, being a Border Patrol agent, a soldier, or an astronaut are but a few examples. He said, "It takes everybody taking their own passions and putting through efforts to make our country what it is." I couldn't agree more.

He encouraged students to follow their dreams and told them that he is living proof that everyone can achieve their dreams if they have the desire to do so. Danny claims that as a student, he wasn't the smartest, the most athletic, or the most talented; he was just your average kid. With the love and support from his parents and a strong interest in machines and outer space, Danny worked hard to fulfill his dream of one day becoming an astronaut.

As a 26½ year veteran of the United States Border Patrol and former Sector Chief, I truly appreciate Dr. Olivas' efforts to recognize the men and women of the Border Patrol who work hard to protect our nation and to honor those who have given the ultimate sacrifice in the line of duty.

I appreciate for his support of the Border Patrol, Dr. Olivas was designated as an honorary agent by Acting Deputy Customs and Border Protection Commissioner David Aguilar and was presented with a Border Patrol flag that was flown at all Border Patrol Sectors in the United States and signed by each of the Sector Chiefs. This honorary distinction has been awarded to only a handful of individuals in Border Patrol history, and I congratulate Dr. Olivas on this honor.

### PERSONAL EXPLANATION

#### HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. REHBERG. Madam Speaker, on rollcall number 17, 18, and 19 I was unavoidably detained due to flight complications from Billings, MT to Washington, DC.

Had I been present, I would have voted "yea" on rollcall 17, "yea" on rollcall 18, and "yea" on rollcall 19.

### HONORING COACH TOM DANLEY OF THE ANAHEIM UNION HIGH SCHOOL DISTRICT

#### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in honor of Mr. Tom Danley who recently retired after a 42-year career with the Anaheim Union High School District.

During that time, Coach Danley bettered the lives of thousands of students who knew him simply as "Coach," and earned scores of honors for his service to students and the community.

He coached varsity basketball at Katella High School for 33 years—and his teams went to the California Interscholastic Federation playoffs in 31 of those 33 years.

Coach Danley was named "Winningest Basketball Coach in Orange County," and was honored for his lifetime coaching achievements by being inducted in the Southern California Basketball Coaches Hall of Fame and the CIF Hall of Fame.

After his coaching career concluded, Coach Danley went on to establish a non-profit foundation that promotes after-school sports and activities for local youth.

Thousands of young people have benefited, and will continue to benefit, from the foundation's work, and from Coach Danley's philosophy that "Kids Come First."

I urge my colleagues to join me in honoring Coach Danley.

### TRIBUTE TO TOM KALKOFEN

#### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. LEVIN. Madam Speaker, I rise today to recognize a leader in the field of public health, Tom Kalkofen, who has been instrumental in water quality, pollution reduction, and individualized healthcare initiatives in Macomb County.

• 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.

Mr. Kalkofen graduated from Ferris State University in 1971 and began working as a sanitationer for the Macomb County Health Department. He earned his Masters of Public Health from the University of Michigan School of Public Health in 1977 and continued to rise through the ranks of the Health Department, holding various positions, until he became director in February of 1996.

Under Mr. Kalkofen's leadership the Health Department established effective community coalitions, such as the Tobacco Prevention Coalition and Healthy Kids, Healthy Futures Coalition and a minority health outreach office. Mr. Kalkofen also fought for the continuation of one of the few remaining public health dental programs in the State of Michigan. He worked successfully to leverage Emergency Preparedness funds making it possible for the county to build a new Medical Examiner Office and Morgue, both of which were sorely outdated.

In addition to his many accomplishments in the public health sector, he was passionate about fighting to ensure that recreational and drinking water quality was safe for the residents of the County. Fifteen years ago, Macomb County's beaches and lakeshore waters were closed by the Health Department due to the rapid seaweed growth and excessive E. coli levels. The Blue Ribbon Commission was founded to address the aforementioned concerns of Lake St. Clair, and Mr. Kalkofen acted to provide full administrative support for its activities.

Mr. Kalkofen has also been an advocate for an array of county- and grant-funded pollution prevention activities over the years. In 2004 and 2005, he secured \$2.5 million from the Department of Environmental Quality to perform an unprecedented comprehensive water quality assessment of watersheds of Lakes St. Clair, and Belle, Pine, and Black Rivers which stretch across four counties. Most recently, he worked as a member of the Macomb Water Quality Board to spearhead the acquisition of State and Federal funds to build a system of real-time water quality monitors at the intakes of all water treatment plants on the United States side of Lake Huron to Lake Erie Corridor.

Madam Speaker, I ask my colleagues to join me in recognizing Tom Kalkofen, who has worked tirelessly to improve the quality of living for the people of Macomb County for nearly 40 years. I am confident he will continue to play an important role in the community where he is highly thought of, in addition to enjoying a bit of retirement with his wife Marge, their twin sons and five grandchildren.

ADATH EMANU-EL 50TH  
ANNIVERSARY

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate Adath Emanu-El in Mt. Laurel, New Jersey on their 50th anniversary.

The local synagogue has been providing residents with a sense of community since 1960, when five families gathered together to form the first Jewish Reform Congregation in

Burlington County. In 1997, Adath Emanu-El moved its residence from Willingboro, NJ to Mt. Laurel where the synagogue had its first service with more than 400 people to celebrate the establishment of a new house of prayer.

The traditions of Adath Emanu-El, a family growing, learning, worshipping, and working together, are still upheld today. These valuable practices are due to the wonderful leadership by Rabbi Andrew I. Bossov, Rabbi Emeritus Richard A. Levine, teachers, and most importantly, dedicated members to the synagogue.

In recognition to the many years of dedicated religious practice and service to the community, I urge my colleagues to join me in congratulating Adath Emanu-El on its 50th anniversary.

KAZAKHSTAN'S LEADERSHIP OF  
THE OSCE

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. BERKLEY. Madam Speaker, the Republic of Kazakhstan this month undertakes its new role and responsibilities as the Chairman-in-Office of the Organization for Security and Co-operation in Europe (OSCE), the world's largest regional security organization.

I would like to congratulate Kazakh President Nursultan Nazarbayev and his fellow citizens on this signal achievement. Kazakhstan is making history with this new assignment and its broader engagement in global affairs. For the very first time, the OSCE will be headed by a new post-Soviet country east of Vienna. It is also the first Asian and Muslim nation to head the OSCE. It is a recognition that the OSCE draws its strength not only from Europe and the United States, but also from Central Asia, the Caucasus, and the Balkans.

Kazakhstan has been a leader in international nuclear security since its earliest days of independence. After the Cold War, Kazakhstan renounced its nuclear weapons, closed the Semipalatinsk nuclear test site and transferred over half a ton of uranium to secure sites outside their country. Our government continues to work with Kazakhstan to advance our common non-proliferation goals: In April, President Obama will host the Global Nuclear Security Summit, with President Nazarbayev and other world leaders participating.

Since its independence, Kazakhstan has also made economic reforms that have attracted investment and created jobs. It has developed multiple energy export routes and diversified its economy to ensure that its oil wealth can be enjoyed by all sectors of society.

As a member of the Foreign Affairs Committee and a co-chair of the Friends of Kazakhstan Caucus, I look forward to the progress that Kazakhstan can make during its tenure at the helm of the OSCE. We will work with Kazakhstan this year to modernize and strengthen the OSCE, for the benefit of all member States. And I wish President Nazarbayev—and his able Chairperson-in-Office, Secretary of State-Foreign Minister Kanat Saudabayev—great success as Kazakhstan

embarks on this new path toward increased democracy, improved security, enhanced cooperation, and stronger economic growth and prosperity.

RECOGNIZING CORNELIUS AND  
MARY DOLLISON OF MUNCIE, INDIANA

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. PENCE. Madam Speaker, as it is written in the Good Book, "Whatever you did for one of the least of these brothers of mine, you did for me." And I can think of no better example of Christ's compassion and generosity than Cornelius and Mary Dollison of Muncie, Indiana. Recently the recipient of the Muncie Star Press "Person of the Year Award," this extraordinary couple has dedicated their time, their finances, and, most importantly, their hearts to serving their community, and I rise today to honor their legacy of service.

Cornelius and Mary have a deeply-rooted history within the Muncie community. Cornelius was born and raised there, and Mary has lived there since she was a young teen. Though they knew each other in high school, Cornelius and his sweetheart were not united in love until a few years after they had graduated. Now married for nearly 50 years, Cornelius and Mary have formed a special team that has left an indelible mark on the Muncie community.

In their own special ways, Cornelius and Mary have used their individual talents and passions to work together for the betterment of those most in need in their community. Cornelius is the strong and silent type, an expert electrician and builder, and the rock of support for his dear wife. Mary is the more outspoken of the two, always using every ounce of energy to be on the forefront and making a difference in the community. Together, the Dollisons have formed an unstoppable force that serves the residents of their community to this very day.

Over the last few decades, Mary and Cornelius have consistently made sacrifices, and today we can see the many fruits of their labor. More than twenty years ago, Mary saw a need for a mentoring program for children in the Muncie community, and thus, from the Dollison's living room, Motivate Our Minds (MOMs) was born. What originally began as a summer program for a handful of students has now blossomed to a fully operational after-school tutoring organization that serves nearly 700 minority students every year. While Mary coordinated the programs, Cornelius went to work restoring a facility to accommodate the growing number of students served by MOMs. Never ones to sit on the sidelines, the Dollisons took it upon themselves to do whatever it took to make MOMs the successful program that it is today.

This same can-do attitude was also demonstrated at the end of 2008, when the City of Muncie was poised to strip funding for the Buley Community Center out of its budget. For over 30 years, the Buley Center had been a safe haven for some of the city's most underprivileged children. One by one, Cornelius and Mary began receiving phone calls from members of the community, begging them to intervene to save the Buley Center from certain

closure. With their servants' hearts, the Dollisons did just that, acting immediately. They began talking to individuals, administrators, government officials, and any other contacts they had to raise funds so the Buley Center could continue to serve the community. While Cornelius again used his God-given skills to fix up the dilapidated center, Mary used her decades of experience as an elementary school teacher to restructure the educational curriculum. Thanks to the Dollisons, more than \$100,000 was raised to pay maintenance costs on the Buley Center, and a little more than one month after the city cut funding, the Buley Center reopened its doors. Not only does the Buley Center provide after-school programs, but it also hosts computer programs and history classes for adults. The Muncie community will reap the benefits of services offered by the Buley Community Center for years to come.

Their years of service to the community make the Dollisons deserving recipients of the Star Press "Person of the Year" award. Without the compassion and dedication of Cornelius and Mary Dollison, there is little doubt that the Muncie community would be vastly different, and far worse off. Countless children and families have been the blessed recipients of the Dollison's love and service, and I am proud to recognize the impact on the community made by their decades of selfless service.

HONORING THE LIFE OF MR.  
ROBERT L. KLYCE

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Robert L. Klyce. Robert has been an inspiring leader in the Hernando Mississippi community, and I recognize his service as Emissary on behalf of St. Augustine's National Foundation.

As an Emissary for St. Augustine's National Foundation, Robert L. Klyce served by providing leadership critical to the mission of the St. Augustine's National Foundation, Inc.—a faith based endeavor commissioned to prevail in the establishment of a heritage to benefit a global community-at-large, demonstrating compassion to humankind.

I applaud Mr. Klyce's achievements and I hope he will continue to guide, inspire, and represent Mississippi's First District. I urge my colleagues to join me today in recognizing Robert L. Klyce for his years of service and leadership in Mississippi.

PERSONAL EXPLANATION

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on Tuesday, January 12, I requested and received a leave of absence until January 27, 2010.

For the information of our colleagues and my constituents, below is how I would have

voted on the following votes I missed during this time period.

On rollcall 1, Establishing a quorum in the House of Representatives for the Second Session of the 111th Congress, I would have voted "yes."

On rollcall 2, Disposing of the President's Veto of H.J. Res. 64 (H.J. Res. 64), I would have voted "no."

On rollcall 3, Honoring the life and work of Dr. Martin Luther King, Jr., (H. Res. 1002) I would have voted "yes."

On rollcall 4, Supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights (H. Res. 860), I would have voted "yes."

On rollcall 5, To designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office (H.R. 3892), I would have voted "yes."

On rollcall 6, Congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health (H. Res. 1004), I would have voted "yes."

On rollcall 7, Congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship (H. Res. 1015), I would have voted "yes."

On rollcall 8, Commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship (H. Res. 991), I would have voted "yes."

On rollcall 9, Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 3254—Taos Pueblo Indian Water Rights Settlement Act—H.R. 3342 Aamodt Litigation Settlement Act—and H.R. 1065—White Mountain Apache Tribe Water Rights Quantification Act of 2009 (H. Res. 1017), I would have voted "yes."

On rollcall 10, Castle Nugent National Historic Site Establishment Act of 2009 (H.R. 3726), I would have voted "yes."

On rollcall 11, Idaho Wilderness Water Resources Protection Act (H.R. 3254), I would have voted "no."

On rollcall 12, Taos Pueblo Indian Water Rights Settlement Act (H.R. 3254), I would have voted "yes."

On rollcall 13, Aamodt Litigation Settlement Act (H.R. 3342), I would have voted "yes."

On rollcall 14, White Mountain Apache Tribe Water Rights Quantification Act of 2009 (H.R. 1065), I would have voted "yes."

On rollcall 15, Expressing Condolences to and Solidarity with the People of Haiti in the aftermath of the devastating Earthquake of January 12th, 2010 (H.R. 1021), I would have voted "yes."

On rollcall 16, Nuclear Forensics and Attribution Act (H.R. 730), I would have voted "yes."

On rollcall 17, Expressing support for designation of January 2010 as "National Mentoring Month" (H. Res. 990), I would have voted "yes."

On rollcall 18, Recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month (H. Res. 1011), I would have voted "yes."

On rollcall 19, Expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week (H. Res. 1003), I would have voted "yes."

On rollcall 20, Rule providing for consideration of H.R. 4474—Idaho Wilderness Water Facilities Act—and H.R. 3726—Castle Nugent National Historic Site Establishment Act of 2010 (H. Res. 1038), I would have voted "yes."

On rollcall 21, Expressing support for designation of January as Poverty in America Awareness Month (H. Res. 1024), I would have voted "yes."

On rollcall 22, Idaho Wilderness Water Facilities Act (H.R. 4474), I would have voted "yes."

On rollcall 23, Castle Nugent National Historic Site Establishment Act of 2010 (H.R. 3726), I would have voted "yes."

On rollcall 24, To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 (H.R. 4508), I would have voted "yes."

On rollcall 25, Honoring the 95th anniversary of the signing of the Rocky Mountain National Park Act (H.R. 1020), I would have voted "yes."

IN RECOGNITION OF THE EL PASO  
DIABETES ASSOCIATION AND DR.  
ROBERT CHRISTENSON

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. REYES. Madam Speaker, today I would like to recognize and thank the El Paso Diabetes Association, its Executive Director, Mr. Henry Brutus, and his team for their continued leadership and dedication to educating our community about living with and preventing diabetes.

The statistics regarding diabetes are staggering. Diabetes is an epidemic affecting nearly 24 million Americans and another 57 million with pre-diabetes. Every 24 hours, 4,100 people in the United States are diagnosed with diabetes. If current trends continue, one in three children born in the year 2000 will develop diabetes at some point in their lifetime. For minority populations, this number is nearly one in two. In El Paso, as many as one in six people are currently living with diabetes, and many more are unaware that their lifestyle choices are putting them at risk or have already made them pre-diabetic.

Diabetes is a leading cause of heart disease, stroke, amputation, blindness, and kidney disease. In 2007, diabetes cost the United States \$174 billion in direct and indirect costs. Locally that same year, El Paso hospitals incurred more than \$75 million in emergency costs related to complications with diabetes. However, these complications and costs are for the most part preventable through education.

It is important that we all understand how diabetes affects us, our families, and our community. Since 1968, the El Paso Diabetes Association has been an invaluable asset to my community by providing personalized services for those interested in learning about diabetes management and prevention. The organization's mission to promote education and early detection, empower people to take control of their health, and increase access to resources that make these goals possible are all exemplified by the work done by this year's Person of Vision.



Dr. Robert Christenson has been involved, with the El Paso Diabetes Association for 15 years and started the “In Control Teen Camp” to teach young El Pasoans how to prevent the onset of diabetes by staying fit and eating healthy. His service to the organization and

our community is making a positive impact on the lives of our youth and is stemming this growing epidemic. Dr. Christenson is most deserving of this honor, and I applaud his work and dedication to make El Paso a better and healthier place.

Today, I am proud to recognize Dr. Christenson and everyone at the El Paso Diabetes Association, and I greatly appreciate all of their hard work for the betterment of our community.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S353–S362*

**Measures Introduced:** Two bills and one resolution were introduced, as follows: S. 2970–2971, and S. Res. 402. **Page S358**

#### Measures Passed:

**National Data Privacy Day:** Senate agreed to S. Res. 402, expressing support for the designation of January 28, 2010 as National Data Privacy Day. **Page S359**

**Smith Nomination—Agreement:** A unanimous-consent agreement was reached providing that at approximately 3 p.m., on Monday, February 1, 2010, Senate resume consideration of the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor. **Page S359**

**Additional Cosponsors:** **Page S358**

**Statements on Introduced Bills/Resolutions:**  
**Pages S358–59**

**Notices of Hearings/Meetings:** **Page S359**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 11:39 a.m., until 2 p.m. on Monday, February 1, 2010. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S359.)

### Committee Meetings

*(Committees not listed did not meet)*

No committee meetings were held.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 1 public bill, H.R. 4552 and 1 resolution, H. Res. 1049 were introduced. **Page H427**

**Additional Cosponsors:** **Page H427**

**Reports Filed:** Reports were filed today as follows:

H. Res. 995, a resolution of inquiry requesting the President to transmit to the House of Representatives all information in the possession of the Administrator of the Environmental Protection Agency relating to nutrient management of the Illinois River Watershed, Arkansas and Oklahoma, with amendments (H. Rept. 111–407);

H. Res. 983, a resolution requesting the President, and directing the Secretary of Health and Human Services, to transmit to the House of Representatives copies of documents, records, and communications in their possession relating to certain agreements regarding health care reform (H. Rept.

111–408); and In the Matter of Representative Fortney “Pete” Stark (H. Rept. 111–409).

**Pages H426–27**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. **Page H425**

**Chaplain:** The prayer was offered by the Guest Chaplain, Reverend Dr. Alan Keiran, Office of the Senate Chaplain. **Page H425**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day. **Page H425**

**The United States Holocaust Memorial Council—Appointment:** The Chair announced the Speaker’s appointment of the following Members of the House of Representatives to the United States

Holocaust Memorial Council: Representatives Waxman, Giffords, Klein (FL), LaTourette, and Cantor.

Pages H425–26

**Senate Messages:** Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page 425.

**Senate Referrals:** S. 2799 was held at the desk and S. 2968 was referred to the Committee on the Judiciary.

Page H426

**Quorum Calls—Votes:** There were no Yea and Nay votes, and there were no Recorded votes. There were no quorum calls.

**Adjournment:** The House met at 12 noon and adjourned at 12:08 p.m.

## 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. D43)

S. 2949, to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals. Signed on January 27, 2010. (Public Law 111–127)

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## CONGRESSIONAL PROGRAM AHEAD

Week of February 1 through February 6, 2010

### Senate Chamber

On *Monday*, at approximately 3 p.m., Senate will resume consideration of the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor, and after a period of debate, vote on the motion to invoke cloture thereon at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

### Senate Committees

(Committee meetings are open unless otherwise indicated)

**Committee on Armed Services:** February 2, to hold hearings to examine the Defense Authorization request for fiscal year 2011, the Future Years Defense Program, the 2011 Quadrennial Defense Review, and the 2011 Missile

Defense Review; to be immediately followed by a hearing to examine the “Don’t Ask, Don’t Tell” policy, 9 a.m., SD–G50.

**Committee on Banking, Housing, and Urban Affairs:** February 2, to hold hearings to examine prohibiting certain high-risk investment activities by banks and bank holding companies, 2:30 p.m., SD–538.

February 4, Full Committee, to hold hearings to examine the implications of the “Volcker Rules” for financial stability, 10 a.m., SD–538.

**Committee on the Budget:** February 2, to hold hearings to examine the President’s proposed budget request for fiscal year 2011, 10 a.m., SD–608.

February 4, Full Committee, to hold hearings to examine the President’s proposed budget request and revenue proposals for fiscal year 2011, 10 a.m., SD–608.

**Committee on Commerce, Science, and Transportation:** February 4, to hold hearings to examine financial services and products, focusing on the role of the Federal Trade Commission in protecting consumers, 2:30 p.m., SR–253.

**Committee on Energy and Natural Resources:** February 2, to hold hearings to examine the nominations of Larry Persily, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and Patricia A. Hoffman, of Virginia, to be Assistant Secretary of Energy for Electricity Delivery and Energy Reliability, 2:30 p.m., SD–366.

February 4, Full Committee, to hold hearings to examine the President’s proposed budget request for fiscal year 2011 for the Department of Energy, 10 a.m., SD–366.

**Committee on Environment and Public Works:** February 4, Subcommittee on Superfund, Toxics and Environmental Health, to hold hearings to examine current science on public exposures to toxic chemicals, 10 a.m., SD–406.

**Committee on Finance:** February 2, to hold hearings to examine the President’s proposed budget request for fiscal year 2011, 10 a.m., SD–215.

February 3, Full Committee, to hold hearings to examine the President’s proposed budget request for fiscal year 2011 for health care proposals, 3:30 p.m., SD–215.

February 4, Full Committee, to continue hearings to examine the President’s proposed budget request for fiscal year 2011, 10 a.m., SD–215.

**Committee on Foreign Relations:** February 2, to hold hearings to examine the nominations of Donald E. Booth, of Virginia, to be Ambassador to the Federal Democratic Republic of Ethiopia, Bisa Williams, of New Jersey, to be Ambassador to the Republic of Niger, and Beatrice Wilkinson Welters, of Virginia, to be Ambassador to the Republic of Trinidad and Tobago, all of the Department of State, 10:30 a.m., SD–419.

February 2, Full Committee, to hold hearings to examine the nominations of Rosemary Anne DiCarlo, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations, and to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador and the Deputy

Representative of the United States of America in the Security Council of the United Nations, Brooke D. Anderson, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations, and to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, Allan J. Katz, of Florida, to be Ambassador to the Portuguese Republic, Ian C. Kelly, of Maryland, to be U. S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, and Judith Ann Stewart Stock, of Virginia, to be Assistant Secretary of State for Educational and Cultural Affairs, all of the Department of State, 2:30 p.m., SD-419.

February 2, Full Committee, to hold hearings to examine the nominations of Scott H. DeLisi, of Minnesota, to be Ambassador to the Federal Democratic Republic of Nepal, Harry K. Thomas, Jr., of New York, to be Ambassador to the Republic of the Philippines, and David Adelman, of Georgia, to be Ambassador to the Republic of Singapore, all of the Department of State, 3:30 p.m., SD-419.

February 4, Subcommittee on International Development and Foreign Assistance, Economic Affairs and International Environmental Protection, to hold hearings to examine Haiti reconstruction, focusing on smart planning moving forward, 3 p.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* February 2, to hold hearings to examine the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, 4 p.m., SD-430.

February 4, Full Committee, business meeting to consider the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, and any pending nominations, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* February 4, Permanent Subcommittee on Investigations, to hold hearings to examine keeping foreign corruption out of the United States, focusing on four case histories, 9:30 a.m., SD-342.

*Committee on the Judiciary:* February 4, business meeting to consider S. 1789, to restore fairness to Federal cocaine sentencing, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, H.R. 1741, to require the Attorney General to make competitive grants to eligi-

ble State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and the nominations of Edward Milton Chen, to be United States District Judge for the Northern District of California, and Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, and Christopher H. Schroeder, of North Carolina, Mary L. Smith, of Illinois, and Dawn Elizabeth Johnsen, of Indiana, all to be an Assistant Attorney General, all of the Department of Justice, 10 a.m., SD-226.

February 4, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the Comcast/NBC Universal Merger, focusing on the future of competition and consumers, 2:30 p.m., SD-226.

*Committee on Rules and Administration:* February 2, to hold hearings to examine the Supreme Court's decision to allow unlimited corporate spending in elections, 10 a.m., SR-301.

*Select Committee on Intelligence:* February 2, to hold hearings to examine the world wide threat, 2:30 p.m., SH-216.

February 4, Full Committee, closed business meeting to consider pending calendar business, 2:30 p.m., SH-219.

### House Committees

*Committee on Appropriations,* February 3, Subcommittee on Commerce, Justice, Science, and Related Agencies, on Science, Technology, Engineering and Math Education 1, 10 a.m., and on Economic Development Administration, 2 p.m., H-309 Capitol.

February 3, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Investments in Transportation Improvements: the FY 2011 Budget Request for the Department of Transportation., 10 a.m., 2359 Rayburn.

February 4, Subcommittee on Commerce, Justice, Science, and Related Agencies, to continue on Science, Technology, Engineering and Math Education 2, 10 a.m., H-309 Capitol.

*Committee on Armed Services,* February 3, hearing on the Fiscal Year 2011 National Defense Authorization Budget Request from the Department of Defense, 10 a.m., 2118 Rayburn.

February 3, Subcommittee on Military Personnel, hearing on the report of the Defense Task Force on Sexual Assault in the Military Services, 10 a.m., 210 HVC.

February 4, full Committee, hearing on the 2009 Quadrennial Defense Review, 10 a.m., 2118 Rayburn.

*Committee on the Budget,* February 2, hearing on the President's Fiscal Year 2011 Budget, 2 p.m., 210 Cannon.

*Committee on Education and Labor,* February 3, hearing on Strengthening the Economy and Improving the Lives of American Workers, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* February 4, hearing on Department of Health and Human Services Fiscal Year 2011 Budget, 2 p.m., 2123 Rayburn.

February 4, Subcommittee on Communications, Technology and the Internet, hearing entitled “An Examination of the Proposed Combination of Comcast and NBC Universal,” 9:30 a.m., 2123 Rayburn.

*Committee on Financial Services*, and the Committee on Small Business, joint hearing entitled “Condition of Small Business and the Commercial Real Estate Lending in Local Markets,” 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, February 3, hearing on Yemen on the Brink: Implications for U.S. Policy, 9:30 a.m., 2172 Rayburn.

February 3, Subcommittee on the Middle East and South Asia, hearing on America and the Iranian Political Reform Movement: First, Do No Harm, 2 p.m., 2172 Rayburn.

*Committee on Homeland Security*, February 4, Subcommittee on Management, Investigations, and Oversight, hearing entitled “Furthering the Mission or Having Fun: Lax Travel Policies Cost DHS Millions,” 10 a.m., 311 Cannon.

*Committee on House Administration*, February 3, to continue hearings on Review of the Use of Committee Funds in the First Session of the 111th Congress, 10 a.m., 1310 Longworth.

February 3, hearing on Defining the Future of Campaign Finance in an Age of Supreme Court Activism, 1 p.m., 1310 Longworth.

*Committee on the Judiciary*, February 3, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on the First Amendment and Campaign Finance After Citizens United, 10 a.m., 2141 Rayburn.

February 4, Subcommittee on Commercial and Administrative Law, hearing on State Taxation: The Role of Congress in Defining Nexus, 11 a.m., 2141 Rayburn.

*Committee on Natural Resources*, February 4, Subcommittee on Water and Power, hearing on H.R. 4225, To authorize drought assistance adjustments to provide immediate funding for projects and activities that will help alleviate record unemployment and diminished agricultural production related to the drought in California, 10 a.m., 1324 Rayburn.

*Committee on Oversight and Government Reform*, February 3, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing entitled “Half Way Home to the District: The Role of Halfway Houses in Reducing Crime and Recidivism in the Nation’s Capitol,” 10 a.m., 2154 Rayburn.

February 4, full Committee, oversight hearing entitled “Toyota Gas Pedals: Is the Public At Risk?” 10 a.m., 2154 Rayburn.

*Committee on Rules*, February 2, to consider H.R. 4061, Cybersecurity Enhancement Act of 2009, 5 p.m., H-313 Capitol.

*Committee on Science and Technology*, February 3, Subcommittee on Space and Aeronautics, hearing on Key Issues and Challenges Facing NASA: Views of the Agency’s Watchdogs, 10 a.m., 2318 Rayburn.

February 3, Subcommittee on Technology and Innovation, hearing on Passenger Screening R&D: Responding to President Obama’s Call to Develop and Deploy the Next General of Screening Technologies, 2 p.m., 2318 Rayburn.

February 4, Subcommittee on Energy and Environment, hearing on Geoengineering II: The Scientific Basis and Engineering Challenges, 10 a.m., 2325 Rayburn.

February 4, Subcommittee on Research and Science Education, hearing on Strengthening Undergraduate and Graduate STEM Education, 10:30 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, February 3, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on FEMA’s Urban Search and Rescue Program in Haiti: How to Apply Lessons Learned at Home, 2 p.m., 2167 Rayburn.

February 4, Subcommittee on Aviation, hearing on Update: The Federal Aviation Administration’s Call to Action on Airline Safety and Pilot Training, 10 a.m., 2167 Rayburn.

*Committee on Veterans’ Affairs*, February 3, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Implementation and Status Update on the Veterans’ Benefits Improvement Act, P.L. 110-389, 2 p.m., 334 Cannon.

February 3, Subcommittee on Health, hearing to review of VA Contract Health Care: Project HERO, 10 a.m., 334 Cannon.

February 4, full Committee, hearing on VA’s Budget Request for Fiscal Year 2011 and Fiscal Year 2012, 10 a.m., 334 Cannon.

*Committee on Ways and Means*, February 3, hearing on the President’s Budget for Fiscal Year 2011 Budget, 10 a.m., and 2 p.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, February 3, hearing on the Annual Threat Assessment, Part 1, 9 a.m., and executive, Part II, 210 HVC.

### Joint Meetings

*Commission on Security and Cooperation in Europe*: February 2, to hold hearings to examine Kazakhstan’s leadership of the Organization for Security and Cooperation in Europe (OSCE), 10 a.m., 1100, Longworth Building.

*Joint Economic Committee*: February 5, to hold hearings to examine the employment situation for January 2010, 9:30 a.m., SH-216.

*Next Meeting of the SENATE*

2 p.m., Monday, February 1

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, February 2

## Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor, and after a period of debate, vote on the motion to invoke cloture thereon at 5:30 p.m.

## House Chamber

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

## Extensions of Remarks, as inserted in this issue

## HOUSE

Adler, John H., N.J., E110  
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Childers, Travis W., Miss., E111  
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Sanchez, Loretta, Calif., E109



# Congressional Record

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