



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, FRIDAY, JANUARY 22, 2010

No. 8

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

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

Let us pray.

Eternal Lord God, who is the light of all we see, make this day luminous with Your presence. Strengthen the Members of this body to do their best, living lives worthy of their high calling. Lord, infuse them with the spirit of kindness, of thoughtfulness, and of fairness. May the tyranny of partisanship and expediency never prompt them to betray high principles. Make them poor in misfortune and rich in blessings. Give them enough challenges to keep them humble, enough failure to keep them dependent on You, and enough success to enable them to fulfill Your purposes for our Nation and world.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY 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 as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, January 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Sen-

ator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY 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 any leader remarks, the Senate will resume consideration of H.J. Res. 45, which is a joint resolution increasing the statutory limit of the public debt. There will be no rollcall votes during today's session of the Senate.

RESERVATION OF LEADER TIME

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

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Conrad/Gregg amendment No. 3302 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability

and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, today the Senate resumes its third day of consideration of the joint resolution to increase the debt limit. We continue our discussion of whether Congress will allow the government to honor its commitments to pay its bills.

Yesterday, the Senate disposed of the Thune amendment to terminate the Treasury Department's Troubled Asset Relief Program. Today, three amendments remain pending: the substitute amendment raising the amount of the debt limit, this Senator's amendment to protect Social Security, and the Conrad-Gregg amendment to create a fast-track process to consider a budget commission's recommendations. Up to eight other amendments remain in order to the joint resolution. The Senator from Alaska has the right to offer an amendment on the Environmental Protection Agency's endangerment finding. The Senator from Alaska spoke on this subject yesterday, and although I do not by any means wish to speak for the Senator from Alaska, it appears from a statement yesterday that she seeks to address the subject matter as a freestanding resolution of disapproval rather than an amendment. The majority leader also has the right to offer an amendment reestablishing the statutory pay-as-you-go budget law. We hope we might see that amendment today. The six remaining amendments in order are a Coburn

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



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amendment proposing a package of rescissions; a Sessions amendment creating caps on appropriated spending; an amendment by the Republican leader's designee relevant to any on the list; an amendment by the majority leader relevant to any on the list; and two amendments by this Senator regarding the budget commission.

Under the previous order, every amendment to this joint resolution will be subject to an affirmative 60-vote threshold. The Senate will not, however, conduct any rollcall votes today. We expect the next rollcall vote will occur no earlier than Monday afternoon. The Senate is open for business this morning for any of these Senators to offer their amendments, and the Senate is available for the statements, obviously, of all Senators. We will work toward developing an agreement for the offering of all amendments by sometime early next week. We hope to conclude action on this measure shortly thereafter.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE NATIONAL DEBT

Mr. WHITEHOUSE. Mr. President, as we continue to debate our Nation's debt limit on the Senate floor, I rise today to review how we came to this point of serious budgetary imbalance and, in particular, how \$9 trillion of it is Bush-Republican debt.

At a time when tens of millions of Americans are out of work and families across the Nation are struggling to heat their homes and pay their bills and buy their prescriptions and put food on the table, our constituents are rightly frustrated at America's lack of fiscal restraint. They deserve to hear the whole story. The unfortunate truth is that President Bush left us with a budget so warped and imbalanced and an economy in such disarray that President Obama and this Congress have had no choice but to run temporary deficits. The previous administration must bear at least \$9 trillion worth of the blame.

Let's roll back to the time when George Bush took the oath of office as President of the United States. In his first address to the Nation, he pledged to "call for responsibility and try to live it as well." It had been a divisive election, and many Americans now found some comfort and hope in those words. They were to be disappointed. But on the budgetary front, there was good reason for optimism on that January morning in 2001. After decades of deficit spending, President William Jefferson Clinton had set the Nation on its healthiest fiscal path in generations.

After 28 straight years of multibillion-dollar budget deficits, our Nation saw surpluses beginning in 1998 under President Clinton.

In President Clinton's last full year in office, we saw the largest budget surplus in our Nation's history—a budget surplus of \$236 billion under President Clinton—and that good budgetary news looked forward as well.

The month George Bush first moved into 1600 Pennsylvania Avenue, our Congressional Budget Office—the non-partisan accounting arm of Congress—projected that we would continue to see surpluses throughout the following decade.

Those budget surpluses, the product of responsible governing—some might even say fiscally conservative governing—were projected to be enough to completely wipe out our national debt by 2009. That was the picture we looked forward to when George Bush took office in 2001—predictions by the Congressional Budget Office that our national debt would be zero by 2009.

Indeed, there was actually debate in academic circles about whether a debt-free America was a good idea. That discussion seems rather bitter now.

In other words, at that time, the hard work had been done. The Nation was on a strong financial course. If President Bush had stayed that course of fiscal responsibility, he could have been the first President since Andrew Jackson in 1836 to govern a debt-free United States of America. If President Bush had chosen the responsible path, we would be having a very different debate today.

Of course, President Bush and the Republicans who governed Congress did not choose the responsible path. This chart illustrates the difference between the surpluses that George Bush inherited and the deficits he created. This top line, at the top of the red, shows the CBO budget outlook I have described that was projected by CBO in January of 2001, climbing with increased surpluses over the years to come. The bottom line at the bottom of the red shows what the Bush administration actually did, the budget results under the Bush administration.

The difference between the anticipated path President Clinton left this country on and what President Bush actually did is a mind-boggling \$8.9 trillion. For purposes of rounding, I will call it \$9 trillion. That is a conservative figure that does not include the likely cost of servicing that debt over the years. We have to pay interest and not just pay back our borrowing. It also does not include the spending President Obama had to do to offset fiscal disaster because of the financial meltdown he inherited. That spending by President Obama was not anything President Obama wanted to do. It was not anything he campaigned on. It was not on his agenda. It was an emergency measure necessary to clean up the economic wreckage left by the Bush administration.

Look at one particular contrast. Our current majority leader, HARRY REID, has worked to craft a health care reform bill that would not only achieve near universal coverage but would do so without adding one penny to the national debt. In contrast, when George Bush and his Republican allies in Congress designed a Medicare prescription drug benefit, they did so without offsetting at all the hundreds of billions of dollars in new spending. Indeed, they even larded it up with special deals for the pharmaceutical industry. In other words, the Republicans relied entirely on deficit spending to fund a huge new entitlement program. That was the way they actually did business. The Republicans relied entirely on deficit spending to fund a huge new entitlement program. That is the fact.

Now Republicans inaccurately and, frankly, hypocritically, rail on budgetary grounds against our efforts to extend health care coverage. But unlike their costly prescription drug bill, our health care bill improves our budget baseline.

The baseline we inherited from President Bush desperately needs improvement. This next chart shows the deterioration of annual deficits under the previous administration. The facts are plain. George Bush vastly increased spending while cutting tax revenues. The structural deficit he built in and left to President Obama simply cannot be sustained. But how soon our friends on the other side of the aisle forget.

In fact, as this next chart shows, the national debt limit had to be increased seven times—seven times—while George Bush was President. President Bush inherited from President Clinton a \$5.95 trillion national debt limit. By the time he left office, his reckless spending and his tax policies favoring the rich at the expense of working Americans necessitated a debt limit almost twice as high, at \$11.52 trillion.

We should not take lightly the borrowing expansion we are now forced to pursue to help recover from the Bush economic meltdown. But we should also not forget how we ended up in this position.

Each borrowed dollar, borrowed under the Bush administration, involves a debt service cost, and the Republican explosion of debt between 2001 and 2009 now makes everything we do, from running the government to stimulating the economy, more expensive.

Balancing our budget is a priority at which Democrats have succeeded in the past. It is one of the legacies of President Clinton. I am confident Democrats will succeed at it again because we believe in responsible governance.

But now is not the time to play games with our Nation's finances and put essential programs on which families depend at risk. In the worst economic recession since the Great Depression, the analogy between family budgets and the Federal budget is a false one. If the Federal Government contracted its spending, shrunk its

spending at the time when States, municipalities, companies, and families are all shrinking and constraining their spending, it would further shrink the economy. It would worsen the recession. It would make things worse for American families. Period. Saying anything else is simply false.

Unemployment hovers around 10 percent nationwide and even higher in hard-hit places such as my home State of Rhode Island. Economic recovery must remain our top national priority. Indeed, we need to do even more to put Americans back to work. The increased borrowing power we are now considering will give us the flexibility to enact new job-creating legislation.

Let me make one point very clear. An upfront commitment of resources to creating jobs need not add to our Nation's long-term liabilities. Let me give some examples.

Throughout the Nation, there are bridges condemned or under weight restrictions. We have bridges in Rhode Island that are condemned or under weight restrictions. There are roadways that the U.S. Department of Transportation has deemed unfit for further maintenance. In my State, the Providence viaduct is in that condition. We have, across the country, water treatment facilities that release raw sewage into our waterways after it rains. We have old school buildings that pose demonstrated safety hazards for our students. We have numerous other structures in demonstrable disrepair. We have an infrastructure deficit.

All these projects need repair, and repairing them is going to require our attention sooner or later. Thus, getting that work done now would not add in a meaningful way to our national long-term liabilities. We have to rebuild this failed infrastructure. We are not going to let those bridges fall into the rivers. Why not do it now when we need the jobs? Why not do it now when the old adage "a stitch in time saves nine" prevails?

Every American understands, whether they are working on their car or making repairs on their house, that when you get after maintenance earlier, the cost is always lower. So there is no need to be concerned about the Nation's fiscal liabilities when we are engaged in the repair of decrepit infrastructure.

A vote to increase the debt limit should be taken in proper context. When he was sworn in, President Obama faced the twin evils of a deep recession—a recession that for many American workers is as bad as the Great Depression—and he faced the \$9 trillion Bush debt, run up in a time when things were fine. It was fair-weather spending, fair-weather debt.

Our top priority now must be to continue working on job creation until our economic prosperity is restored, until we have recovered from this great recession. We must not sit still for lectures in fiscal probity from the party

that ran up \$9 trillion in fair-weather debt to fund a war that need not have been embarked on, to fund tax cuts for the wealthiest Americans who did not need them, and to pursue economic policies that led to the recession we are trapped in now. Those policies lit the fires President Obama still is fighting to put out.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business up to 15 minutes.

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

HAITIAN CHILDREN

Mr. NELSON of Florida. Mr. President, I do not think there was any person who lives on planet Earth, who saw the clip on CNN this morning of dying children in Haiti, who did not have emotion overwhelm them, as my wife Grace and I, having been to Haiti many times. We saw the fact that children are dying in Haiti because they cannot get medicine and/or cannot get medical supplies. It is an inexcusable and intolerable situation. If you hear emotion in my voice, you will understand that the Nelson office has been working on this crisis for over the past week since the earthquake hit because we have been talking to our doctors and we have so many of our Florida physicians who are down there doing heroic work.

A lot of the work is being done by the University of Miami School of Medicine. A lot of it is being done with the coordinated efforts of Jackson Memorial Hospital in Miami, some of the children's hospitals in Florida. As we have been on the phone with the various agencies trying to cut the redtape so that the supplies can get in or, in the alternative, we can get the critically injured children out, whether it be to a third country, to another part of Haiti, or back to the United States—critically injured—in order to save their lives, we are still having difficulties.

Since we are not going to be voting on this debt ceiling raising that would be a critical vote here, I am taking off at 4 o'clock in the morning with a bunch of doctors from a Tampa charity directly into Port-au-Prince, where I will meet with one of the greatest heroes, Dr. Barth Green, one of the lead physicians, a neurosurgeon from the University of Miami and Miami Jackson Memorial Hospital, who has been down there since the day after the earthquake and has been begging for help.

What I want to do is cut through some of this redtape. I want to give

you an example. Here is the latest plea from Dr. Green:

There are 3 critically burned Haitian patients, one in our [University of Miami]/Project Medishare Hospital and 2 on the USNS Comfort—

The naval hospital ship—

that needed to be medevaced to the Ryder Burn Unit tomorrow [morning].

This is an e-mail plea from last night.

We need ok from the US Embassy [for patient] #1 or #2 or #3 to authorize the US Military to take on C130 aircraft. Please help save their lives. I need immediate [help] to do the right thing.

We are trying to cut through this redtape. If it takes me going down there to try to whack through it myself, that is what I am going to do. Six of us are crowding into a little jet in the morning at 4 a.m., five doctors and me, packed with medical supplies to do that.

I know the State Department, the Defense Department, the Department of Homeland Security—we have been talking to all these folks—have been trying. But bureaucracy gets in the way. Let me share with you an e-mail from the State Department. Get this:

Thank you for your email. We will provide information about your U.S. citizen constituent to the U.S. Embassy in Port au Prince as quickly as possible.

That is a standardized e-mail. That doesn't say anything. It doesn't give specifics. I know they roll these things out, but don't send that kind of e-mail to me to try to placate me because it doesn't. I want action.

I want to give another example. Senator LEVIN is making a plea. He called us when he found out I was going to Haiti. Senator LEVIN's office has a Haitian who is in Michigan, a dad. He is there legally. He is not a naturalized citizen, but he is there legally. His daughter is critically injured. This is addressed to me, and it is about getting this daughter air-vacced out of Haiti because she has critical injuries. This is from the Department of State. This is a little girl, a 17-year-old with a broken back. She is being denied being put on an aircraft.

Mr. NELSON,

Due to the fact that Samantha is neither an American citizen nor a U.S. Lawful Permanent Resident, she would be ineligible to board an aircraft to the United States. Currently, all visa operations at the U.S. Embassy in Port au Prince, including immigrant visas, have been suspended until further notice while our Embassy focuses its resources to assisting American citizens in Haiti.

This little girl can't board an American aircraft because she has a broken back. She needs to be medevaced so that her life can be saved.

We have another child with a collapsed lung. Dr. Green told us about this child. He cannot save that child with a routine procedure to save people with collapsed lungs unless he can get the proper medical attention and maybe they can get him out there onto that hospital ship. But this is the kind

of bureaucracy we are running into. The Department of Homeland Security, which handles Customs and Border Patrol—and don't talk to me about people trying to sneak into the States. We live with this problem in Florida. We know what it is trying to make people legal in their immigrations. But the Department of Homeland Security—Customs and Border Patrol is telling me their agents on the ground, when these critically injured children come in, have the authority to give, in essence, what is called a medical waiver for a child who is obviously in extremis, and they assured us that will be the case. Well, I hope so. That is why I have come to the floor of the Senate, because I get these other e-mails and I get these pleas from physicians such as Dr. Green who are saying kids are dying because they can't get them out.

We are not talking about a lot. We are talking about 200 whom I know of right now in order to be able to get them out. I will continue to work this problem all the rest of this day, until I get on that aircraft at 4 o'clock in the morning. Then I will work this problem when I get on the ground in Port-au-Prince.

It is total chaos down there. The American military, the American civilian agencies, the State Department, the Department of Homeland Security, all the agencies, are making heroic efforts. It is mass chaos because of a critically poor nation that has no infrastructure. When a natural disaster such as this huge earthquake hits, it turns into ultimate chaos. Out of that chaos, we are trying to bring some order. I thank all those souls, American and otherwise, who are contributing to try to bring order out of this chaos. But sometimes we lose sight of the goal because we get so wound up in bureaucracy. That is what we need to get through. That is what I am sure we will get through.

At the end of the day, we will find that Haiti will restore itself. Although Haiti's Government is in shambles, Haiti does, in fact, have a President who deeply cares and loves its people. President Preval is clean. You can't say that for all the past leaders of Haiti. I believe President Preval is clean. I don't believe all the people around him are clean, but I think he is. It is time for the industrialized nations of the world to come together and to help these people rebuild.

The real crisis is right now, with the dying and the suffering we see in front of our eyes. That has to be attended to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

AMENDMENT NO. 3302

Ms. KLOBUCHAR. Mr. President, I rise to speak in support of amendment No. 3302, the bipartisan task force for responsible fiscal action, offered by my colleagues Senator CONRAD and Senator GREGG. I was an early sponsor of this amendment from the beginning,

from when I first came to the Senate. I wish to thank them for their leadership on this issue.

Under the previous administration, we saw the debt of the United States double. They were handed a budget surplus, and they turned it into an enormous budget deficit. Over the next 8 years, sadly, with no work, if we do nothing, it is projected to double again. Long-term projections vary, but it is clear this course is not the course we wish to take. Despite years of talk from both parties, little progress has been made, which is why I believe that to ensure the Nation's future economic security, we need to establish a budget commission dedicated to examining this problem in detail and coming up with recommendations to address the long-term fiscal challenges of the country.

I don't want to have just a study that sits on a shelf. The American people deserve better than that. That is why I believe it is important to have a statutory commission with an up-or-down vote on the recommendations of the commission. It has worked before for Social Security. I believe it will work here.

I appreciate the administration's work on this. The proposal they have made to have a Presidential-appointed commission obviously is a viable alternative. But I think the better alternative is this one, and that is why I urge my colleagues to vote for it.

We can no longer afford to hide our heads in the sand, hoping the fiscal outlook will correct itself. We need to make changes, and we need to act now in order to keep our debt from spiraling permanently out of control. Difficult fiscal decisions have been put off for too long. We need to make tough decisions now because we are spending too much, and the path we are on is unsustainable.

This was, of course, made more difficult by the economic crisis we faced last fall. On a bipartisan basis we had to do something to make sure we shored up the credit markets to make sure we ensured financial stability for our country. We had to invest in America and invest in jobs with targeted investments. But now we cannot keep going on this course.

Gross debt is likely to exceed 100 percent of GDP within the next few years, nearing levels not seen since the end of World War II. Each citizen's share of today's debt is more than \$38,000. The prior administration, as I noted, ran up the Federal debt to the point where today we are forced to spend over 8 percent of our budget simply to pay interest on the Federal debt.

In 2008, American taxpayers paid more than \$250 billion to our creditors in interest payments alone. That is money we are sending to other countries instead of spending it in the United States.

The more we spend to service our debts, the less we have for infrastructure investments, health care, energy

innovation, and other priorities that are so important to the American people.

The threat our debt poses to the economic security of the United States cannot be ignored. As this economic crisis has shown, credit can dry up overnight. With almost 70 percent of our Nation's debt financed by foreign countries and investors, our government literally could not pay its bills without the help of China, our biggest creditor.

If faith in the American economy were to falter and foreign countries stopped extending credit, we would be faced with a host of bad choices. Even without another crisis, many of these programs are on the path to insolvency, and economic growth cannot make up the difference. These are issues that must be addressed. That is why it is so important we step back and look at the long term, focus on this debt, at the same time knowing we have to have a safety net for the people of this country.

If we look at the health care bill, we will see what we will come up with now as we look at changes to that bill. It actually saved—the Senate bill—\$130 billion on the deficit in the first 10 years, \$1.3 trillion over the next 10 years. That clearly has to be a piece of this reform as we look at the cost to the American people—how we can deliver health care more efficiently.

I believe it is time to change the way Washington works when it comes to our long-term fiscal outlook. It is not about being a Democrat; it is not about being a Republican; it is not about being an Independent; it is about guaranteeing we get something done for the people of this country.

This bipartisan fiscal task force provides a path to restoring our financial stability by creating a bipartisan commission to study our spending and make recommendations to effectively reduce that spending.

When I first heard about this idea, I was at one of our bipartisan breakfasts. I had just arrived in Washington, and I thought: Why would we need a commission to do this? Why can't the people in this body just do this? I have realized a few things over the years. One, we have not seen that kind of improvement. Two, we have not been able to get that kind of bipartisan work going that I have seen. Three, we have this idea of a commission that has worked in the past.

So after being here for about a year, I decided: Do you know what. This is not a bad idea. You can have experts work on this. You can come up with some ideas on a bipartisan basis for reducing spending, for bringing down our deficit, for bringing down the debt. I have decided this is the way to go because right now there is no movement on this matter at all in this body or in the House.

This is how this task force would work. First, it would be comprised of 18 members from both political parties, 10

Democrats and 8 Republicans. Fourteen of the eighteen task force members would have to agree to report the recommendations to ensure that the recommendations the task force makes to Congress have bipartisan support.

In order to fast-track the process, there is a set timeframe under which the task force would make recommendations and a set timeframe for ensuring that Congress would give them an up-or-down vote.

This task force would not be used to force legislation through Congress. It would just force Congress to come to the table and make a decision.

Let me address one final point. Some are arguing that projections for the near term are so bleak that any talk of deficit and debt reduction should be sidelined. I disagree. Everyone knows that when times are good, it becomes much harder to tighten the purse strings. This crisis has brought the issue of the deficit to the forefront. The people of this country know it. They know they have to watch their own checkbook. They know they have to balance their own checkbook, and they want to see Washington working on this issue.

They understand we have had an economic crisis. They did not cause this crisis. People on Wall Street making bad decisions, people in government allowing some things like subprime mortgages to go through—there are a lot of people who can be blamed. But they understand we not only have to work on the short-term issue of investment in our country, and transportation, and that we had to do something to shore up the financial crisis so that our whole financial system would not go down the tube—it is hard to swallow; when people think about it, they get that—but they also want to know the people who represent them are working on this debt for the long term, that we have a plan, that we are doing something to chisel away at this deficit to bring it down.

That is what they expect from us. They do not want to send all this money in interest to China. They want to be spending it in the United States of America on roads and bridges, on their kids, on their families, on their kids' education, on their houses. That is where they want to be spending this money, not on interest over in China.

So I urge my colleagues to vote for this bill. I understand it will most likely coming up next week. I think it is a very important effort going forward. I commend the White House, the economic team, for the work they have done with the group of us who has been working on this bill and trying to get this through. I think it is very important, not just for this year but for the generations to come. It is time to look past the next election to the next generation.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

BANK INVESTING

Mr. DORGAN. Mr. President, yesterday President Obama made some recommendations that have caused quite a stir, especially on the morning shows on television today. The President suggested something that is called radical by some of the commentators: he suggested that banks—commercial banks, FDIC-insured banks, insured by the American taxpayers—should not be essentially gambling or investing in risky instruments, risky securities on their own proprietary accounts. It has been going on for a long time. This President said let's stop that. We have seen such a financial wreck, in which our economy was steered right into the ditch, where something like \$15 trillion of value had been lost by American households.

The President said we need to make some fundamental changes. One change, which isn't even, in my judgment, a significant change—at least not in the context of what must be done and should be done—is to limit the ability of FDIC-insured financial institutions to invest in, speculate in, and buy and trade derivatives on their own proprietary accounts. That should not have been going on at all.

Fifteen years ago, I wrote the cover story for the Washington Monthly magazine on this very subject. The title of the article was "Very Risky Business." I talked then about how FDIC-insured banks in this country were trading on their own proprietary accounts in derivatives—\$16 trillion of value in derivatives at that time. They were trading on their own proprietary accounts, which puts taxpayers at risk. They might as well put a Keno table or a craps table in their lobby. It is flatout gambling. The President said yesterday: Let's have legislation that stops that. I agree.

The President said something else that is very important: Let's limit the size of financial organizations that are "too big to fail." We have a category in this capitalistic system of ours called "too big to fail"—a category that is managed by the Federal Reserve Board. They have a list of which institutions are too big to fail. I thought this system of ours—capitalism—is that you succeed or fail based on your own merit. That is not the case. We have now witnessed in the last year and a half which institutions are not allowed to fail.

We have people who go to work every day to a business they started with their own capital. They and their family have invested in a shoe store or a hardware store or gas station, and they open the door in the morning and they are open for business that day and the

risk is all theirs. By the way, they are allowed to fail, and many have done so during this economic downturn, but not the biggest financial interests—they are too big to fail. That is called no-fault capitalism. They can gamble in their lobby, and the American taxpayer will pay the bill. That is what has been going on. This President says—and he is right—if you are too big to fail, you are too big. Let's begin limiting the size.

This morning, I listened to some of the commentators have an apoplectic seizure. They said that if we cannot be bigger and bigger, how do we compete with the Europeans? That is exactly what we heard 10½ years ago now—when the Congress passed legislation that took apart the protections put into place after the Great Depression. This legislation gave free rein to this unbelievable orgy of speculation in high finance that led this country right into the ditch, led this country's economy into a colossal wreck. The result of all of that has been catastrophic for the American people. The result of all of that has been trillions of dollars of lost value for American families and an unbelievable unemployment problem—people by the millions losing their jobs, their homes, and losing hope.

The President made two recommendations yesterday, which I support. You would think he was suggesting somehow that he is going to completely take apart the American free enterprise system. That is absolutely absurd. I decided I wanted to give a little bit of history this morning because it is so easy for people to forget. Let's understand how we got to this place and what caused these recommendations to be made.

Alan Greenspan, former Chairman of the Federal Reserve Board, was involved in all of this. I know he wrote a book later implying he was exploring the surface of the Moon while all this was going on, but he wasn't. He was Chairman of the Federal Reserve Board. He had a responsibility to provide oversight and to rein in these excesses, and he didn't. Here is what he said in testimony before the Congress:

I made a mistake in presuming that the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their equity in the firms.

That notion that people will behave in their own self-interests and protect the shareholders and our country was pretty unbelievable because this occurred at the same time that the Chairman of the Federal Reserve Board and the Federal Reserve Board itself had responsibilities to provide a regulatory oversight to what was going on in our financial system.

At the same time that was the case, and they were doing nothing, we had new people come to Washington, DC, in the aftermath of the passage of the disastrous bill in 1999, the Financial Services Modernization Act, to be regulators at the Securities and Exchange

Commission, the CFTC—all of those organizations. People came here to assume those jobs, and they were boasting that they would be willfully blind: Let's take these regulatory jobs, and we promise not to look, we promise to close our eyes, and by the way, we are business friendly, so do what you want. It doesn't matter to us.

In fact, we have circumstances where people came to the Securities and Exchange Commission with Mr. Madoff's issue going on, and they said: This guy is running a Ponzi scheme, a scam. We had people show up to the SEC and say: Investigate this, it is a massive scam. The SEC couldn't even investigate it when they had people saying, here is what is happening. It is unbelievable. During that entire time period, we had regulators, starting with the Federal Reserve Board and Mr. Greenspan and others, in regulatory capacities who boasted about not being willing to regulate. The result is that big financial firms in this country, and a lot of others, were engaged in an unbelievable orgy of greed.

Let me show a little of what was going on. The Fed should have been attentive to this. It was their responsibility, among others. We all see these kinds of ads when we wake up and brush our teeth in the morning if we have a television set on. Here is one where Countrywide Mortgage said:

Do you have less than perfect credit? Do you have late mortgage payments? Have you ever been denied by other lenders? Call us. We would like to loan you money. If you are a bad credit risk, call us.

How can that work? It didn't work. This company went bankrupt. The owner of the company is now under investigation, at long last. He went away with about \$200 million, I believe. He left the party with a couple hundred million dollars. These advertisements saying: If you have bad credit, come to us—this is the biggest mortgage company, not some fly-by-night company.

This one is an Internet company. It is called speedybadcreditloans.com. Isn't that great? What a country. What a system. Apparently, somebody has a business model to advertise speedy bad credit loans. It says:

Bad credit, no problem. No credit, no problem. Bankruptcy, no problem. Get guaranteed bad credit personal loans now.

Does it surprise anybody, having watched over a decade of this, that this collapses?

I won't go through all of them.

Here is Millennium Mortgage:

Twelve months, no mortgage payments. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

Too good to be true? Get a loan from these guys and they will make the payment for you. They didn't tell you that they will put that around the back side of the loan and wrap it around higher interest rates.

This is Zoom Credit:

Credit approval is seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, home loan, or a credit card, even if your credit is in the tank. Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit, who cares?

We have all heard these for a long period of time and wondered: How does this work? What kind of business model is this? It was not a business model. It was a scam and a scheme that undermined the American economy and went on under the nose of, yes, Mr. Greenspan and so many others who had promised us they were interested in being regulators. The list goes on and on.

Let me go back to 1999. We were told in this Chamber—and I was here then—we were told: America has to modernize its financial system, for if we do not, the Europeans and others are going to win this debate and win the economic competition. So we have to modernize. The things that were put in place after the Great Depression were probably important at some point but no longer necessary. We now have Mr. Greenspan protecting us and others. It is a sophisticated system. We need to be able to compete.

They said: We need to have a financial modernization system to allow very large holding companies to put together all the financial systems—investment banks, commercial banks, real estate, and securities operations. By the way, if we can do all that, we can create one-stop financial shopping for the American people.

I stood on the floor of the Senate at great length in 1999 and opposed this. I know it is a little cheesy probably to quote yourself, but I do want to provide some description of what concerned me prior to the passage of this legislation.

Here are some of the things I said at that point. I said:

I will bet one day somebody is going to look back at this and they are going to say: How on Earth could we have thought it made sense to allow the banking industry to concentrate, through merger and acquisition, to become bigger and bigger and bigger, far more firms in the category of too big to fail? How did we think that was going to help this country?

That was May 6, 1999.

The same day I said:

I say to the people who own banks: If you want to gamble, go to Las Vegas. If you want to trade in derivatives, God bless you. Do it with your own money. Do not do it through deposits that are guaranteed by the American people and by deposit insurance.

The same day I said:

This bill—

The Financial Services Modernization Act—

will, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the bank and financial services industry at the expense of customers, farm businesses, family farmers, and others.

I said:

I think it is a fundamental mistake to decide to repeal Glass-Steagall and allow banks and all of their financial industries to merge into a smorgasbord of financial services. Those who were around to vote to bail out the failed savings and loan industry, \$500 billion of taxpayers' money, are they going to want to be around 10, 15 years from now when we see bailouts of hedge funds putting banks at risk? Or how about banks not just bailing out hedge funds, but banks having ownership of hedge funds?

I said: We also have another doctrine at the Federal Reserve Board called too big to fail.

Remember that term "too big to fail"? They cannot be allowed to fail because the consequences to the economy are catastrophic and therefore these banks are too big to fail. That is no-fault capitalism. Does the Federal Reserve care about that? Apparently not.

Fusing together the idea of banks which requires not just safety and soundness to be successful but the perception of safety and soundness with other inherently risky speculative activity is, in my judgment, unwise.

Finally—these are about four or five speeches I gave in 1999:

We will, in 10 years' time, look back and say: We should not have done that because we forgot the lessons of the past.

So here we are, trillions and trillions of dollars. There have been, we believe, \$11 trillion or so lent, spent or committed by the Federal Government to try to keep afloat some of the largest financial firms in our country because they did what they wanted to do. They engaged in unbelievable amounts of risk.

I showed the examples of advertising to people who come to get mortgages when they had bad credit. That was not just people who had bad credit. People who had existing loans were enticed by these companies that said: Are you paying 7 percent or 8 or 9 percent interest? Come to us. We want to give you a loan in which you do not have to pay the first 12 months. Come to us. We are going to give you what we call a no-doc loan. You do not even have to document your income to us. Come to us. We will give you a liar's loan. They did not call it a liar's loan, but that is a no-doc loan. Come to us. We will give you a loan where you do not pay any of the interest. We will give a loan where you do not pay any of the interest or any of the principal. All these were entreaties to people to come to these companies and redo their mortgages.

What happened to these mortgages when they were put together? They wrapped them into a security, a mortgage security, and then the mortgage company, Countrywide, for example, would sell it. They would sell it perhaps to a hedge fund or an investment bank. It was rated as a security. By the way, most of them were rated triple A. The ones that went bad were rated triple A.

What happened was those who placed the mortgages no longer had the risk because they sold the risk to others. They sold it to hedge funds, investment banks. All the brokers making money,

the people putting out the mortgages at the bottom, they were making \$5,000, \$10,000, \$25,000 in bonuses, brokers' fees. The mortgage companies were awash in cash.

I mentioned Countrywide's CEO left with a couple hundred million dollars, now under investigation, by the way. The hedge funds were making massive amounts of money. They could not count it fast enough. Just before the economy collapsed, the highest earner in the country was a hedge fund manager who earned \$3.6 billion—\$3.6 billion. Think about that person coming home from work and the spouse says: How are you doing? I am doing pretty well; \$300 million a month. By the way, I am only paying 15 percent income tax because I get a special deal. I pay a 15-percent rate. Nobody else does. I get to pay some of the lowest income tax rates in America. These folks do because they have a deal called carried interest. They were all making money, all awash in cash, giant bonuses, bonuses that were unreal—\$15 million, \$20 million a year, some of the folks who were running the security agencies, some of the salespeople, and others in these investment banks.

By the way, all these institutions would have collapsed and failed. Even the ones that this morning are reporting record profits, they were about to collapse were it not for the American people who, through their government, saved them.

Now they are willing to complain about everything, and they are ramping up a huge effort in this town to prevent any effort to change the way things were. This President has said: Let's decide, at least, to stop the pernicious practice of having FDIC-insured banks trading in derivatives and other risky instruments on their own proprietary accounts. I think that is nuts to allow that to continue, and this President is right to try to stop it. They are even now gathering an army to try to oppose it.

This issue of too big to fail, the President is right about that, absolutely right.

This shows the house of cards. We have all seen it. We saw it collapsed or nearly collapsed. Were it not for the Congress, the President, the American people in backstopping these largest investment banks, they would be gone. Now, all of a sudden, they are reporting record profits and are on the edge and verge of providing record bonuses at a time when a whole lot of folks are in lines trying to get to a soup kitchen or in lines trying to find a job.

The President of the Dallas Federal Reserve Board, in an editorial review in the Dallas Morning News, said:

Too big to fail is not a policy. It's a problem. Too big to fail means too big.

I am glad he said that. I say that. I am glad he said that. He is president of the Dallas Federal Reserve Board.

Joseph Stiglitz—I believe he was a Nobel Prize winner—said:

We have much to gain by breaking up these behemoths.

Talking about the large financial institutions.

We need to begin now the admittedly gargantuan task of breaking out their commingled activities.

There has been discussion in the last couple days about Paul Volcker, former Federal Reserve Board Chairman. I had an opportunity to meet with him in the last several weeks. Paul Volcker has spoken very strongly in support of the policy the President has now embraced. Paul Volcker says:

I would exclude from commercial banking institutions ownership or sponsorship of hedge funds and private equity funds. So should, in my view, a heavy volume of proprietary trading with its inherent risks.

It is common sense for us to begin to shut down those kinds of activities.

Let me quickly say, I understand the need for financial institutions. I understand that. It is a very important part of this country's economy. But I also understand, having studied economics and taught economics ever so briefly, that we have in this country, for 200 years, had a contest about who rules the roost—those who produce or those who finance production. I am telling you, in recent decades, those who finance production have had an unbelievable amount of influence in this country. I must say I do not think it contributes one thing to this country's economy to have big financial institutions trading synthetic derivatives.

Does anyone know what a synthetic derivative is? A derivative is something that derives value from something else. Presumably, whatever the value on the front end or something elsewhere has some value, something that is tangible. A synthetic derivative is wagering, gambling, a derivative that is created with nothing on either side of it, except you are making a wager or a bet. That is going on in this country with respect to big financial institutions. It has in the past, aggressively. That is where they made a lot of money. It continues to go on to this day, and it makes no sense.

Does anybody think that contributes very much to this economy? It does not. The fact is, it darn near ruined this economy with that unbelievable amount of speculation, starting right down at the broker placing loans that should not have been placed that created the subprime scandal and all the way up with credit default swaps and CDOs and synthetic derivatives and all these issues.

A former colleague once described investment banks by saying investment banking is to productive enterprise like mud wrestling is to the performing arts. I do not put it quite that way. But his point was a whole lot of what goes on is pretty worthless. A whole lot of what can go on and should go on is very important in investment banking. That is the part of our banking structure that provides loans in riskier categories. You put loans out there to businesses with ideas and so on. That is very important. Community banks are

very important. Commercial FDIC-insured banks are important. Investment banks are important.

My point is not to suggest that our economy can exist without them. That is not the case. But I wish to make a very important point. You look at the heyday of production in this country. I am talking about when our manufacturing plants were humming, when we were turning products out, the best in the world. We were expanding the middle class. We were putting men and women in factories with good jobs that paid well, with benefits.

Look at that period of time in this country and ask yourself: Under what kind of conditions did that exist? It existed before all these changes were made to the financing system of this country that let the finance industries decide to coagulate and combine and create these behemoth organizations with so-called firewalls that turned out to be made of tissue paper.

People suggested somehow we were old-fashioned prior to 1999 and we needed to modernize to compete with somebody else to allow all our financial systems to come together, to merge, to get bigger, to engage in all these activities and create unbelievably exotic instruments, instruments that many of those who trade cannot even explain, thought that was somehow essential to the economic health of this country?

The economic health of this country was much better prior to the enactment of those changes. I did not vote for those changes I just described. I stood on the floor and fought like the devil against them. Eight of us in the Senate voted no on the Financial Services Modernization Act. Eight voted no. The fact is, it set this country up for an unbelievable fall.

So now here we are. The question is, What next? Where do we go from here? I understand, in this country, it is reasonable for every interest group to organize to support their vested interests. I understand that completely. But I also understand there is a higher purpose and a much larger issue for the American people and for our future.

What kind of future do we want? What kinds of activities, what kinds of things can we do to put our country back on track, to restart the economic engine, to put people back on payrolls once again? There is nothing we can do in this Chamber that is much more important, as far as I am concerned, than finding a way to create jobs to put people back to work. There is no social program that is as important as a good job that pays well and allows people to take care of their families. That is just a fact, and we have seen in this country how you expand the middle class—with good jobs that pay well.

I am going to speak later in this next couple of months again about the issue of trade. I have written a book about that subject, but I am going to speak at greater length about it because, in the middle of an economic downturn, when we talk about jobs, if we are hemorrhaging jobs once again outside of

this country in search of 50-cent-an-hour labor, and we have people lining up here looking for work, that doesn't work for me. That is a lot like filling a bathtub with the drain open. So there are a lot of things that are elements in this.

What I wanted to talk about this morning was to say that it is not a coincidence we have ended up at this intersection in deep financial trouble trying to find a way to see if we can rebuild the economy, to start putting people back to work again. It is not a surprise we have wound up here, anybody who watched what happened with the creation of bubbles and unbelievable speculation that was going on, and the massive amount of money ricocheting around and the creation of exotic financial instruments and no regulation at all, with people in regulatory authority who covered their eyes, and the head of the Fed, who actually was a cheerleader for all of it, who said: We don't need to regulate hedge funds or regulate derivatives. I oppose all of that. It isn't a surprise to us that this thing collapsed. It certainly isn't to me. The question is: How do we set it right?

This President—though I don't agree with him on everything—inherited the biggest economic wreck since the Great Depression. That is a plain fact. Had he gone to sleep from January, when he was inaugurated, and done nothing until today, there was going to be a \$1.3 trillion budget deficit. That is what he walked into the White House and assumed. It is not just this financial situation, this is most of it, but we went to war and decided not to pay for a penny of it. We sent young men and women to fight and die and risk their lives day after day after day in Iraq, Afghanistan, and elsewhere, and we decided we weren't going to pay for one penny of it.

Some of us in the Senate, by the way, said we ought to at least find a way to pay for some of this cost. We are going to send kids to fight and risk their lives, and we don't have the courage to begin to pay for it? We went 8 years and didn't pay for a penny. Every bit of it went to the debt. To those of us who said let's pay for some of it, the last President said: If you do, and you pass that bill, I will veto it. I don't intend to allow for that at all. So that is another part of this.

Look, this country knows better. The American people know better. That is not a policy that works.

I talked yesterday about the Chairman of the Federal Reserve Board, Mr. Bernanke. I did not speak ill of him, I mean, despite the fact I think he has some ownership of these issues as well. He was part of the economic team at the Federal Reserve Board as well. I indicated yesterday, and I just want to make the point, his nomination is coming up, and I indicated I was not going to vote in favor of the nomination. When he decided to open the lending window at the Federal Reserve Board

for the first time in the history of our country to investment banks, I didn't criticize him for it. I wasn't sure whether it was necessary, but I didn't criticize. We were in the middle of a very difficult time. But when he decided to do that, he put the American taxpayers' funds at risk.

We waited, and I and a group of nine other Senators wrote him a letter about 6 months ago and said: All right. Now we want to understand who came to that window and how much money did they get and what were the terms. Who did you give the money to? Who has our money?

He wrote back to us and said: I don't intend to tell you that. I don't intend to tell the Congress, and I don't intend to tell the American people, despite the fact that he said transparency is a big issue for him. Apparently not on this issue.

So I don't think the Congress should proceed with his nomination until he tells us what was the consequence of opening the loan window at the Federal Reserve Board to investment banks for the first time in history.

Well, Mr. President, I see my colleague from Kansas is here and would like to speak, perhaps. This is a long and tortured discussion about this country, its finances, and its future. There is plenty of criticism to go around. I have had kind of a belly full of standing in the Senate and hearing about President Obama and socialism and that sort of thing. The fact is, as I said, he inherited the biggest mess since the Great Depression, and had he done nothing, the budget deficit was going to be \$1.3 trillion. So he is trying to do some things that will set this country back on track.

We have gone through almost a lost decade in terms of smart, effective, good public policies that invest in this country's future. It has set us back a lot. What we need to do now, it seems to me, is to try to see if we can't find a way that what both political parties offer to this country can be brought together, to links arms and try to lift up this country.

We see almost every single day people sawing away and ratcheting away about what is wrong with the country. I can spend a lot of time talking about what is wrong with America. But there is a whole lot right about this country, and it deserves, in my judgment, a lot more cooperation than I have seen in the Senate. It deserves the best of what both political parties have to offer America rather than the worst of each. I hope in the next 6 or 8 months we can find ways to ask people of both political parties to decide to stand up for tough things—for things that are going to require some courage and that will restart this economic engine, put America back on track, and try to make certain what has happened to us in the last couple of years will never happen again.

Most importantly, we need to give people an understanding that their fu-

ture can be better than the past. We need to restore confidence. It is hard for people to have confidence watching the proceedings in this Senate. I understand that. But confidence is everything. If people are confident about the future, they do the things that manifest that confidence and that expand this country's economy. That is just a fact. If they are not confident about the future, they do things that contract the economy—they defer and delay the kinds of things they would otherwise do to expand the economy.

I hope in the near future we can find a way to create some jobs initiatives to put people back to work more quickly. But there are just a lot of issues that confront us, and I wanted today especially to talk about the two things this President mentioned yesterday, both of which are so right and so important, both of which this town will organize to oppose.

The first is asking or deciding or telling FDIC-insured banks: You can't be investing and trading risky instruments on your own proprietary accounts and putting the American people at risk any longer. You can't do that anymore. That is not radical; it is right and it is long overdue. I wrote the first article about that 15 years ago as a cover story for the Washington monthly magazine titled "Very Risky Business."

Second is the issue of too big to fail. If anybody in this Chamber wonders whether we ought to do something about too big to fail, go to any town cafe in this country and sit around and ask folks whether they think this capitalistic system works well when you say to almost everybody else: You risk your savings to start a business, and if you don't make it, tough luck. You are on your own. But, by the way, we have some big financial interests that can make record profits, pay the highest bonuses in history, and we have decided they can't fail. We have a special class for them. We will open loan windows at the Fed, we will lend or make \$11 trillion available to them if they need it. We will do anything to prevent them from failing because they are too big to fail.

That is no-fault capitalism. That is not what I believe to be the American way. That is something this President wants to change and something I support very strongly.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

PRO-LIFE MOVEMENT

Mr. BROWNBACK. Mr. President, I thank my colleague from North Dakota. I will miss his voice around here. He and I both are leaving this body at the end of this year, and I have appreciated the chance to serve with him and work on many different issues of significance and concern for the country. He has always had a strong voice, done an excellent job in representing his constituency and his point of view, and I will miss serving with him.

Mr. President, right now, at this very minute, hundreds of thousands of people are amassing in this town for the 37th annual Right to Life March—hundreds of thousands. It will be a crowd where 80 percent will be under the age of 25. It is a young movement. It is a movement that believes in human dignity and that life begins at conception and goes to natural death. They are energized, motivated. They are here and they need to be heard. They stand to be a voice for the voiceless; to stand for a cause they believe in, that they believe is right, and I believe they are right. I believe they are winning this cause.

In 1973, the Supreme Court banned most impediments to having an abortion in the United States. Since that tragic decision, many experts estimate that between 40 and 50 million—40 to 50 million—abortions have happened in the United States. It is a number that plagues our government and defies our constitution.

This tragedy is why we continue to call for the end of abortion in the United States. Today, in memory of the 37th anniversary of *Roe v. Wade*, we want to talk about how the pro-life movement should be credited for changing America's attitude on the issue of abortion. The President's campaign theme in 2008 on change is also relevant to the pro-life movement, which has effectively changed millions of hearts and minds by challenging the central tenets of the flawed *Roe* decision.

The *Roe* decision, which took State law and said State laws can no longer cover the issue of abortion and federalized the whole issue, has been the centerpiece issue of this whole debate, saying this should be an issue decided at the State level. These protestors are here en masse to again call for the Supreme Court to overturn *Roe v. Wade*. The decision has been proven to be antithetical to individual liberties and to human dignity.

There will be young people at the march who have learned they have lost siblings because of abortion. They will never know a younger brother, an older sister, and they are profoundly saddened by such a loss. There will be women at the march for life who have had abortions and now regret making that decision; they are still grieving for their lost children, and they will say that which is politically incorrect: Abortion hurts women. The number of women who have joined this "Silent No More Campaign" represents a fundamental change in attitudes regarding the controversy of the issue of abortion.

I hope Congress will listen to those who mourn and advocate for their government to do something to right this wrong. If they do listen, they will notice that the country is changing in several significant ways. The pro-life movement has transcended beyond my generation into a new movement that is young, passionate, energetic, creative, and resilient. President Obama said during his campaign last year:

A new generation inspires an old generation, and that is how change happens in America. It doesn't just happen in elections and campaigns. We know that young people everywhere are imagining something different than what is.

I believe that this younger generation is inspiring an older generation. Today, there will be hundreds of thousands of Americans—many of them young people, who believe in defending innocent human life—who will march across the National Mall for real change.

We found out earlier this week, with the upset victory by Scott Brown in Massachusetts—one of the bluest of blue States—that politicians have to respect the voters on the issues they care about. The American people are dismayed at our government's radical approach to promoting abortion. The American people don't want government-run health care that includes abortion mandates and Federal subsidies for abortion. They don't want foreign aid going abroad to promote abortion. They don't want to relax commonsense regulations that are proven to reduce the incidence of abortion.

Even for those who are pro-choice, the mantra around here for some period of time was to have abortion be safe, legal, and rare. The policies I just listed are all policies that would expand abortion. The last time the Federal Government paid for elective abortions, we paid for nearly 300,000 a year—a shocking number and certainly not a rarity.

People are realizing that abortion had promised liberty but instead has brought death. Doubters have turned into believers and people are waking up to the reality and the truth about abortion. Our movement is truly changing hearts and minds.

Although it is true the pro-life movement saw many setbacks this past year, we also have much to be thankful for and hopeful for in the future. A Gallup poll earlier this year—for the first time since Gallup started asking this question in 1995—showed our country to be a pro-life majority country. This year, 51 percent of Americans called themselves pro-life on the issue of abortion and 42 percent pro-choice.

In 1995, 56 percent of Americans called themselves pro-choice, and in 2008 that number was 50 percent. I see our movement changing, striving to continue getting a little better each day.

The movement continues to value people over ideology and political parties. Pro-lifers found a hero and strong ally in Democratic Congressman Bart Stupak this year for taking the tough stance in defense of life in the health care reform debate. It was a blow to the abortion advocates when Democratic Congressman STUPAK led the charge and continues to lead the charge in that fight. The pro-life movement is changing because it has rallied new leaders from both major political

parties, which is something for which we should be very grateful.

Another way our movement is changing is through new outreach tools. Pro-lifers are sharing the truth about abortion with friends on Facebook, Twitter, YouTube, iPhone, and countless other new technologies. Young people are utilizing these new media tools to uncover and expose an abortion industry. I am excited about this because I know the pro-life movement's focus and energy has never been so devoted or determined.

The movement's message is more expansive. We have changed and attracted a majority of the country to our cause with compassion for all human life—being pro-life and whole life. Our movement has become more consistent and attractive because the pro-life movement speaks to the respect for human life in all places and in all stages—for those who are in the womb, for those who are in prison, for those who are in Africa, for those who are in poverty, for those who have plenty, for those who have experienced natural disasters such as the recent earthquake in Haiti.

The pro-life movement has been successful because it has changed people's views on the issue. We are now seeing more and more studies coming out about the impact on people who have had abortions. Even the evidence has been changing and we now know that 80 to 90 percent of children diagnosed with genetic defects such as Down syndrome are aborted. We are getting that evidence in. We also have evidence now that shows children in the womb feel pain when they are aborted. New science, ultrasound equipment, and other advances in technology are giving new-found hope in spreading the truth about abortion.

Ultimately, the cause for human dignity cannot be silenced and will not stay still. Human liberty and freedom will prevail and I hope this year's March for Life will again inspire a country that longs for change and that many hope will embrace, fully embrace, the culture of life.

I yield the floor.

I suggest the absence a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HAITI

Mr. LEAHY. Mr. President, we have all watched the widespread devastation and loss of life in Haiti caused by last Tuesday's earthquake. It is a tragedy on a scale that words cannot adequately describe. I have talked with a number of people who have been down there. No matter how horrific the photographs we have seen, in reality it is even worse.

Haiti is the hemisphere's poorest country, a history of repeated calamities, some, of course, caused by natural disasters, but some by past corrupt and abusive governments. Now it faces a humanitarian emergency, but also reconstruction needs of daunting proportions: 3 million people affected, hundreds of thousands left homeless, and an estimated 100,000—perhaps twice that many—lives lost, countless children injured and many orphaned.

The Haitian Government, which already has limited capacity, has been severely damaged. The U.N. mission in Haiti, which is doing heroic work, suffered catastrophic losses.

Americans and people around the world have reacted with compassion and generosity. A massive relief effort is underway. Search and rescue teams from the United States and other countries continue to pull survivors from the rubble more than a week after the buildings collapsed. The U.S. Coast Guard, the U.S. Agency for International Development, the Departments of State and Defense, and many other Federal agencies have personnel on the ground.

Our military sent ships and planes and troops. We have responded as America does. We are, after all, the wealthiest, most powerful Nation on Earth. Morality requires us to help those, especially neighbors, so severely damaged.

I have visited Haiti as chairman of the State and Foreign Operations Subcommittee, and each year I have worked to increase United States assistance for Haiti. I can tell you, this earthquake could not have come at a worse time.

There was hope that Haiti, after recovering from three severe hurricanes in 2008 which left most of the country's infrastructure damaged or destroyed, was poised to finally make some real strides toward political stability and economic development. All of us who care for Haiti thought finally things were getting better. Last Tuesday, in a few terrifying minutes, that hope was buried in rubble. The immediate focus, of course, is saving lives, helping those people who have no place to live and no way to support themselves. I do thank the many humanitarian relief organizations as well as the United Nations, OAS, the Pan-American Health Organization, the International Committee of the Red Cross, other international organizations, and other countries that have sent relief workers to help. They mobilized quickly. We have seen their doctors, nurses and other relief personnel working day and night since shortly after the earthquake hit. They are doing an outstanding job under the worst possible conditions.

I want to express my condolences to the Haitian people, and my admiration for them. They have shown remarkable fortitude and patience in the wake of this catastrophe. Even in the midst of so much misery, there are already glimpses of a recovery.

Some press reports have focused on incidents of looting, and crowds of people surrounding UN vehicles or scrambling for whatever food or water they can find. But in fact those incidents have been the exception. The vast majority of the survivors, in the midst of a destroyed city with little food, water or shelter, have refrained from violence and instead tried to help each other.

To the families of others who died or suffered severe injuries, particularly American citizens who were in Haiti, several of whom were Vermonters or who had relatives in Vermont and who lost their lives when the buildings collapsed, our hearts go out to them. How much we wish we could turn the clock back and bring them home.

A great deal is being done to alleviate the suffering, but I also think there are important lessons from this experience that will enable us to respond even more quickly and more effectively when the next disaster strikes. It is more than a week after the earthquake struck and many people left homeless have yet to receive food or water and they have no shelter.

The Central America-Caribbean region is among the most disaster prone in the world due to the many volcanoes, earthquake fault lines and tropical storms. There are things we can do to be better prepared and to deliver aid more efficiently next time.

This is in no way to detract from the heroic efforts of those not only from the United States but from nongovernmental organizations and from other countries who have worked against almost insurmountable odds to get aid to those who need it.

I am concerned with reports that some humanitarian organizations have been unable to obtain access to the Port-au-Prince airport for several days. Many tons of relief supplies have reportedly been flown instead to the Dominican Republic and then trucked by land to Port-au-Prince, which is not only expensive but time-consuming, and they are needed now. If you are a child, dehydrated and dying, and food and water are only a few miles away, or you are a parent to that child, you cannot wait.

The outpouring of generosity by Americans of all ages to the people of Haiti has been extraordinary. Millions of dollars have been donated. There have been far more offers to volunteer than the relief organizations can accommodate. I am very proud of the many Vermonters, from nurses to elementary school students, who have sent money or gone to Haiti to help.

While Haiti has suffered this devastating blow, our ties to Haiti and the Haitian people are stronger than ever. We will not only help the Haitian people through this crisis, we will work with them to transform this disaster into an opportunity to rebuild their country better than it was before.

That is what the State, Foreign Operations subcommittee will seek to do when we look at the next budget re-

quest for Haiti. We will ask: How can we make it better? How can we make them better prepared if disaster strikes again? How can we help the people of Haiti who want and deserve a better life? That is showing a sense of morality. As Americans, that is what we should do.

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

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

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF BEN BERNANKE

Mr. MERKLEY. Mr. President, I rise today to talk about the challenge of putting our economy back on track and the type of leadership we need to take us forward. Much of this last year we have been absorbed in addressing the challenge of major financial institutions failing and the importance of preventing them from failing in order to not have the second Great Depression. So that has put a lot of attention on Wall Street.

But to go forward as a nation, we need to turn our attention to Main Street. We need to rebuild the financial foundations for our families. That is why I am rising today to oppose the nomination of Chair Bernanke for a second term as head of the Federal Reserve.

I want to take a moment to explain why, when his nomination was in the Banking Committee, I voted against that nomination. I voted against that nomination because I believe Chair Bernanke is not the right person to take us forward.

I will acknowledge he has been quite handy with the fire hose; that is, he has been quite handy in addressing and putting out the fire that has affected our economy over this last year. We are not in a great depression, but we are in a severe recession. But do you hand the job of rebuilding a house that has been burnt down by a fire to the person who helped set the fire to begin with? And Ben Bernanke helped set the fire.

Ben Bernanke was on the Board of Governors of the Fed from 2002 to 2005. He was chair of the Council of Economic Advisers from 2005 to 2006, and he was Chairman of the Fed from 2006 until now. He has been at the table of economic policymaking in this country for 8 years, when mistake after mistake after mistake has been made.

That is how the house was set on fire. Now that it has burned to the ground, we do not need a fireman to rebuild the house; we need a carpenter. We need somebody who understands that short-term wealth on Wall Street is not the goal of our national economic policy. The goal of our policy is to build the financial foundations for our families, the success of our families.

Let me mention some of the things that happened while Ben Bernanke was sitting at the table making economic policy. First, there was an enormous explosion in derivatives. "Derivatives" is a term that is hard to get your hands around, but let me translate. It is essentially bets on the future aspects of the economy—bets on future interest rates, bets on future bond prices, bets on future stock prices. You can place bets on things you own yourself, and that is akin to an insurance policy, but you can also place bets that are not on assets you own, and then it is pure speculation. Those derivative contracts—those contracts that were essentially speculation on the future—created a web of risk tying one financial institution to the next financial institution, setting them up like dominoes, so if one failed, they endangered the next failing. While this derivatives market exploded—and there was not a clearinghouse, and there was not an exchange—we heard nothing from Ben Bernanke about the need to address that risk.

Then there is the question of leverage, that the Securities and Exchange Commission lifted the leverage requirements on the five largest investment banks, and they proceeded to invest with 30-to-1 leverage ratios. If you have \$1, and with that \$1 you can borrow \$30 and invest those \$30, when things go up in value you are going to make enormous money, enormous profit. But, just as assuredly, when they go down in value, you are going to lose your money instantly—very quickly.

We do not know when the markets will go up and when the markets will go down, but what we do know is they will go up and down over time, and you need to have a system that is not designed just to reap great benefits on the way up and blow up on the way down. We heard nothing from Ben Bernanke about this risk.

It is during this period that proprietary trading increased dramatically. What is proprietary trading? We think of our banks as organizations that take in deposits and make loans. But they also can trade on their own account, and they can borrow money to trade on their own account. You can think of them as day traders in the financial world, only at levels of extreme size, very large size. The risks that are taken in proprietary trading can produce tremendous profits and, when the markets go down, when the bets go bad, enormous losses. Again, we did not hear from Ben Bernanke about the risk that proprietary trading was placing on our depository, lending, banking institutions.

Let's address consumer protection. The Fed has the mission of consumer protection. But under Mr. Bernanke's leadership, the responsibility for monetary policy was in the penthouse; safety and soundness were on the upper floors; and consumer protection was put deep in the basement, never to be heard from again.

Why was this so important to our financial system? Certain practices grew that completely imperiled our financial system based on consumer protection issues. Specifically, one of those was prepayment penalties in home mortgages and the other was steering payments.

Let me explain those a little bit. A steering payment is a payment that a group that is lending the funds makes to a broker to reward them for steering a client into a very expensive loan.

As an American family buying a home—say, for example, you have come from your real estate broker. Your real estate broker follows a very strict code of conduct and makes sure everything is absolutely disclosed in a straightforward manner and makes sure you understand whether they are representing the seller or the buyer or both of you. You go to your broker. You are paying your broker, and you think that broker is going to do the best by you.

Indeed, your broker might say to you: Home mortgages have become very complicated, and I will serve as your financial adviser. So I will make sure you get the best loan. But what you do not know is that broker is taking a huge fee, a huge steering fee, if you will, to convince you to put your name on a loan that is not in your best interest—a loan that has an exploding interest rate, a loan that has a triple option that will go to a low payment, to a high payment, and a loan that has a prepayment penalty that keeps you locked into that loan and unable to refinance it without several pounds of flesh.

Those practices were very valuable to the lender. That is why they paid these payments to the broker, because they could then sell that loan to Wall Street and say: Look how valuable this loan is. The interest rate is going to go way up and the homeowner cannot get out of the loan. That is a valuable asset. Wall Street took those subprime loans and they proceeded to turn them into securities, and they started to sell them to financial institutions throughout the world.

So the failure to protect the homeowner from these abusive practices led to systemic risk, not just here in America but financial institutions throughout the world. That responsibility for consumer protection was the Federal Reserve's responsibility.

I want to note several things. The first is, I have found, in dealing with Chair Bernanke, that he has been very forthcoming in conversations. He has been very professional. He has been very knowledgeable. And he has been very likable. So nothing I am saying right now is based on any sort of personal feelings. Instead, it is about this: How do we put this economy on track for our families, for the financial future of our families?

I have to say, our families have suffered enormously as our national economic house has burned down. They

have lost jobs. They have lost their savings. They have often lost their health care that went with their jobs. They have often lost their retirement accounts because the value of the assets they had plunged in that retirement account. Folks who had planned that they were going to have some golden years now are thinking they might have to keep working as long as they are able. Families have lost a great deal. Families are stressed about the future. So these economic mistakes had a huge consequence.

We need to have a Chair of the Federal Reserve who will lean into the wind; that is, when something is unpopular but important to address systemic risk, someone who is willing to say to powerful economic entities: This practice is not acceptable. The lack of reserves is not acceptable. Prepayment penalties and steering payments in mortgages are not acceptable. Undisclosed derivatives that tie financial institutions together in a web of risk is not acceptable. Proprietary trading that can make huge profits for a depository-lending institution in one quarter but bring down that same institution in the next must be regulated. We must have a Chairman of the Federal Reserve who will lean into the wind and say these things are important, these lane markers are important, these traffic signals are important. We can think of it akin to a traffic system. You do not want a stop sign on every corner. You do not want paralyzed traffic from overregulation. But you also do not want to strip away the traffic signals, strip away the lane markers, and have the sort of chaos that results in all kinds of traffic accidents and wreckage. Yet that is what happened in our financial system over the 8 years Ben Bernanke was at the table of economic policymaking.

You may think that maybe I am overstating the mistakes that were made. I would encourage anyone to look up the Washington Post article written on December 21, 2009, a month and a half ago. This article is an extensive review of decisions the Fed made and their impact in the system. I thought I would give you a sampling from this one article of things you might find interesting and important in this conversation about the economic leadership we had.

The article starts out noting that:

Foreclosures already pocked Chicago's poorer neighborhoods but the downtown still was booming as the Federal Reserve Bank of Chicago convened its annual conference in May 2007.

Quoting further from the article:

The keynote speaker, Federal Reserve Chairman Ben S. Bernanke, assured the bankers and businessmen gathered at the Westin Hotel . . . that their prosperity was not threatened by the plight of borrowers struggling to repay high-cost subprime loans.

I quote from Mr. Bernanke. He said to the audience:

Importantly, we see no serious broad spill-over to banks or thrift institutions from the

problems in the subprime market. The troubled lenders, for the most part, have not been institutions with federally insured deposits.

The article goes on to note:

The Fed's failure to foresee the crisis to require adequate safeguards happened in part because it did not understand the risks that banks were taking, according to documents and interviews with more than three dozen current and former government officials, bank executives and regulatory experts.

So that is one example.

A second example is, Bernanke had reached a conclusion that essentially the financial system would self-regulate. Reading from the article now:

Bernanke said the economy had entered an era of smaller and less frequent downturns, which he and others called "the great moderation."

It notes—and I make this as a third point from this article:

The Fed let Citigroup make vast investments without setting aside enough money to cover its eventual losses.

This article goes on to explain the story with Citigroup and that the reserves were tied into a decision by the Fed; specifically, that a decision was made under accounting rules that when they bought into a pool of securities, those securities were viewed as so stable they didn't need to set aside significant reserves. Here is the interesting point: Even though they had bought those securities and then sold them, they had pledged to cover losses if borrowers defaulted. So they had a significant risk even after these securities had been sold, but that risk was not taken into account when the reserve requirement was set.

We can turn to another piece of this. There was a report done by the Fed called the "Large Financial Institutions' Perspectives on Risk" and it found: "No substantial issues of supervisory concern for large financial institutions."

As you all might recall, many financial institutions were doing regulatory shopping, looking for the regulator who would give them the best deal or the regulator who knew the least about their affairs so they could hardly even ask the right questions. That was certainly a factor in AIG going down. The Fed regulators looked at National City's books and its management and again found nothing amiss.

In reality, the bank was ailing. Its subprime borrowers were starting to default on their loans. Less than two months after the Fed approved the merger, National City reported a net loss of \$19 million. The company never returned to profitability.

I am, again, quoting from that Washington Post analysis:

The Fed's failure to see the rot inside National City resulted from the central bank's reliance on others to identify problems.

They weren't asking the right questions. They didn't have a team who was going out making sure they understood what was going on.

There was another example of this:

In January 2005, National City's chief economist had delivered a prescient warning to

the Fed's board of governors: An increasingly overvalued housing market posed a threat to the broader economy.

This message, the article says, was not well received. One board member expressed particular skepticism, and that board member was Ben Bernanke. Bernanke said:

"Where do you think it will be the worst," he asked, according to people attending the meeting. "I'd have to say California," said the economist. Bernanke replied, "They have been saying that about California since I bought my first house in 1979."

Ben Bernanke did not think there was an issue even to be thoroughly explored and wrestled with.

There is additional information in this article about the Fed's power when mergers occur and it notes:

The Fed's power to reject a merger application involving Golden West and Wachovia was a potentially important check on the wave of mergers that created banks so large that their distress would threaten the economy. But from 1999 through last month, the Fed approved 5,670 applications to create or buy a bank and in that time denied only one.

Well, that power of the Fed regarding mergers was not utilized.

Then, finally, let me note an issue regarding Basel II. Again, I quote from the Washington Post Analysis:

Even on the verge of the financial crisis, the Fed continued to push for new international rules that would let many large banks hold less capital. Under the proposed rules, called Basel II after the Swiss city where they were drafted, regulators further increased their reliance on the bank's risk assessments.

Sheila Bair, Chairman of the FDIC, warned as follows. She said the new rules "come uncomfortably close to letting banks set their own capital requirements."

Again, Ben Bernanke, this last year, has done a good job with the firehose, but now we need to rebuild the economic house for the prosperity of our families. The person to rebuild this house is not the person who sat at the table and made mistake after mistake after mistake over an 8-year period that led to this financial house of ours burning down, with catastrophic results for our families across this Nation. This is why I opposed Ben Bernanke's nomination to again be Chairman of the Fed when I was in the Banking Committee last month, and this is why I will oppose this nomination on the floor of this Senate.

Thank you very much.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TERRORISM ON CHRISTMAS DAY

Mr. LEMIEUX. Mr. President, I rise today to speak about the incident that occurred on Christmas Day, when our Nation was targeted by a terrorist who

attempted to bring down a plane with 278 passengers and 11 crew members. This attack would have resulted in mass casualties. Thankfully, it did not occur. Much in part due to the vigilance of nearby passengers and for the grace of God, this terrorist was unable to detonate the explosives he carried with him under his clothes.

We should be responding as if the worst happened. What would we be doing today if that plane had exploded over the skies of Michigan and all of its passengers had died?

When the plane landed, the Nigerian terrorist, Umar Farouk Abdulmatallab, was taken into custody and questioned by authorities. But what happened next is very worrisome. Instead of treating Mr. Abdulmatallab like the terrorist and enemy combatant he is, he was afforded all of the protections of the U.S. Constitution, as if he were a U.S. citizen. He was provided his Miranda rights—the right to remain silent, the right to have an attorney, and the information that if he did not remain silent, it could be used against him. Of course, as best we know, once he was provided with these rights, he stopped talking to those who were questioning him.

What information did we fail to learn? What information about Yemen, the newest breeding ground for al-Qaida and other terrorist groups launching attacks against our country, did we fail to learn? What did we fail to learn about the next attack that is coming, whether it will be again in an airplane or another type of terrorist attack?

Those questions were not asked, and they could not be answered because we treated the terrorist like an American citizen. We gave him all of the constitutional protections. Yet those protections were never meant for people we are fighting against in a war.

That is why I come today to the floor of the Senate because we are treating these terrorists—from the Christmas Day bomber to Khalid Sheikh Mohammed, whom we are going to try in a Federal court, a civil court in New York—as if they are common criminals. In so doing, we are losing ground in the war on terrorism. We cheapen the value of being an American citizen, with all the rights that are afforded to us, when we grant terrorists who seek to end our way of life with those same protections.

Why are we providing Miranda rights and other constitutional protections to terrorists at the expense of the security of the American people? Who in our government is making this decision? Who is saying these terrorists should have these rights? Who made the decision to Mirandize the Christmas Day bomber and treat him as a criminal defendant instead of an unlawful enemy combatant?

Instead of treating this as a criminal law enforcement action, we need to recognize that we are at war. It is not the kind of war that our grandfathers

fought in World War II or the one our fathers fought in Vietnam; it is what they call an asymmetrical war. But it is a war nonetheless. The people who are waging this war against us are trying to destroy America as we know it—not unlike the enemies we have had in our past wars.

We lose the edge against these enemies in this war by failing to gain the information that we could gain, and should gain, from lawful and proper interrogation—information that is not gained as soon as Miranda rights are given.

This week the Director of National Intelligence, Dennis Blair, the National Counterterrorism Center Director, Michael Leiter, and the Department of Homeland Security Secretary, Janet Napolitano, all testified before committees of the Congress and the Senate surrounding the incident concerning Umar Farouk Abdulmutallab. Each of them admitted they were not consulted by anybody in the administration, specifically the Department of Justice, on prosecuting Abdulmutallab in a civilian rather than a military court. These are the people who are supposedly on the frontlines of protecting the homeland and fighting against terrorism.

The Director of National Intelligence, a position created to stand on top of all of the other intelligence-gathering organizations, to break down the silo so we could gain information and connect the dots—which as you hear, of course, did not happen for this event—but the chief intelligence officer of the United States of America was not informed as to why we were prosecuting him as a civilian.

I had the opportunity to question Michael Leiter, the head of the National Counterterrorism Center, who is trying to counter the terrorism that is affecting our country. Although he was careful not to contradict the administration, it is clear to me that he would rather we treat these enemy combatants as what they are and not as common criminals.

So who made this decision? Was it the Attorney General of the United States? Was it the President? Whoever made this decision, we need to know. That information needs to be before the Senate because it is a questionable call at best. In fact, I submit it is the wrong call to treat these non-American citizens as if they had all the rights we do. We are losing the war on terrorism if we do not gain the valuable information to stop terrorist attacks before they start. Someone from this administration needs to come forward and own up to this decision. I call upon the administration to do so. The American people deserve answers. Our policymakers have to come clean. We should be able to ask them questions and ask the right person questions as to why this decision was made.

We should not be trying terrorists in civilian courts. We should not be giving them Miranda rights and other constitutional protections. We should be

fighting the war on terrorism as if our very lives depend upon it because they do.

HAITI

Mr. President, I wish to speak about the situation in Haiti and the tragic events that occurred last Tuesday around 5 p.m. when a massive earthquake, measuring 7 points on the Richter scale, occurred near Port-au-Prince, the capital of Haiti.

As a Senator from Florida, I have a deep connection to the Haitian people because we have more than 200,000 Haitians in our community in Florida. Watching what happened on television and the graphic pictures we have all seen on the news of the tragedy that has occurred—families have been separated and lost, children have been orphaned—we have also seen encouraging shots, those of people being rescued. We all saw the shot a couple days ago of the 75-year-old lady who was rescued, and yesterday a small boy and his sister were pulled out of the rubble, amazingly buried alive for a week and they made it out. It gives us hope. But the projections are grim with perhaps as many as 150,000 Haitians dead. It is a staggering figure. It is a tragic loss of humanity.

Last week, I was in Miami, along with the Governor and other officials, as we met to talk about what our response would be. We worked with the Coast Guard and Southern Command to make sure our rescue teams from Miami that have done work all around the world would have the opportunity to join the other search-and-rescue teams to help bring out the living and to find the dead to return them home. We have been very successful in doing that. We are very thankful for all of those Americans and very proud, as I am, especially of the ones from Florida, who have been doing such great work.

While I was down in Miami, I had the chance to go to Little Haiti, which is our largest Haitian-American community, and visit the students at St. Mary's School. It is the school next to the Catholic cathedral in Miami, Dade County. I visited with Monsignor Terence Hogan and Sister Jane Stoecker, who is the principal of the school. I saw these beautiful Haitian children who were there in their school uniforms. They came to school that morning, the day after the earthquake, crying because they have family and loved ones on the island of Hispaniola. They put their pennies and quarters together to raise \$500 to send to rescue and help the Haitian people. It is a touching story.

The American people have been touched, too, because now we know tens of millions of dollars have been raised. Former President Bush and former President Clinton have come together under the request of President Obama to lead a relief effort so that we all can contribute, and we all must and we all should.

I am thankful to RADM Steve Branham of the 7th District of the U.S.

Coast Guard who has been on the ground and instrumental in making sure the relief efforts and the Coast Guard could be there to help these folks. One thing specifically he has been able to help with, which I will talk about in a moment, concerns the students from Lynn University in Boca Raton.

I would like to talk about some of the heroes, some of our Floridians who have been so instrumental in helping the Haitian people.

I wish to talk about a Fort Pierce-based nonprofit organization called Missionary Flights International that began flying food and supplies to Haiti daily. Since the earthquake, the organization has collected donations and gathered volunteers to load food, water, and supplies on their planes. In 1 day alone, the organization sent more than 400,000 ready meals to be eaten in Haiti.

Another organization, the Big Heart Brigade in Palm Beach, is shipping 140,000 meals ready to eat this week. The Big Heart Brigade provides meals to many in South Florida, but in the wake of the tragedy, they have focused their efforts on Haiti.

I wish to talk about Mr. Hank Asher in Boca Raton, FL, whom I happen to know well, who immediately took his plane and started flying doctors and nurses from Jackson Memorial and needed supplies into Haiti and brought back the wounded and the injured to Florida. We were able to give them some assistance in getting in and out shortly after the disaster.

The good people of Florida and the good people of this country are opening their hearts and wallets and pocketbooks to help the people of Haiti, as they should. I look forward to going to Haiti once the search-and-rescue portion is over to assess the situation myself to see what I can do to help that nation recover.

Also, as I mentioned a moment ago, I wish to talk about Lynn University students. Many folks watching on television today have seen the parents of these students. There were 12 there with faculty members. Some of them were able to get home. They were recovered and returned but alive. Now we know there are four students still missing and two faculty still missing. We remain hopeful that these young ladies and their two faculty members will make it back home to Florida. We have Christine Gianacaci, Stephanie Crispinelli, Courtney Hayes, and Britney Gengel, along with faculty members Patrick Hartwick and Richard Bruno.

I have been talking with Dr. Ross, the president of Lynn University. My office, with other Members of Congress, is trying to assist in the efforts to find these students who were in the Hotel Montana, which fell shortly after the earthquake.

Yesterday, I sent a letter to Secretary Clinton, Administrator Shah, and Secretary Gates. I ask unanimous

consent to have printed in the RECORD a copy of this letter dated January 21, 2010, at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEMIEUX. Mr. President, in that letter we have asked that the search-and-rescue efforts continue. We saw the miraculous discovery of that young boy and young girl yesterday. There are people potentially alive still buried in the rubble. We must continue while there is some hope to look for survivors. But if there are no survivors, we request in this letter that their loved ones be brought home so they can be here in the United States. It is a request I think we all understand. We have been working with Secretary Clinton's office. We know they share the same view. I wanted to bring that to the attention of the Senate.

As a parent of young children, I cannot imagine the loss and the feeling of loss of these parents from Lynn University and others who are still waiting for the potential recovery, as the days grow longer and the hours go by, of their family members, especially the loss it must be for these parents, the idea of losing a child. There is nothing more tragic one can think of. Our hearts go out to them. They are in our prayers. We look forward to the hopeful return of these students and faculty, but if not their return alive, then at least bringing them home so they can have rest and peace back in the United States of America.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, January 21, 2010.

Re Locating and Returning Americans Missing in Haiti.

Hon. HILLARY CLINTON,
Secretary, U.S. Department of State,
Washington, DC.

Hon. ROBERT GATES,
Secretary, U.S. Department of Defense,
Washington, DC.

Dr. RAJIV SHAH,
Administrator, U.S. Agency for International
Development,
Washington, DC.

DEAR MADAM SECRETARY CLINTON, MR. SECRETARY GATES, AND ADMINISTRATOR SHAH: Over the past week, the immense scale of the tragedy in Haiti has been revealed. The outpouring of support from Americans for the Haitian people has been significant and heart-warming.

Americans' commitment to the renewal of Haiti existed before last week's devastating earthquake. As a result, thousands of Americans were working, studying, and serving in Haiti when the quake struck. Many of them remain missing. Among the missing are a number of my fellow Floridians.

Because these Americans remain unaccounted for, please urge all relevant U.S. officials to advocate for continuing search and rescue efforts until the possibility of survival no longer exists. Additionally, on behalf of the families of the missing, I request you to do everything within your power to ensure that every American known to be missing in Haiti is located and returned home.

Thank you for your attention to this urgent matter.

Sincerely,

GEORGE S. LEMIEUX,
United States Senator.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Conrad amendment No. 3302.

AMENDMENT NO. 3305 TO AMENDMENT NO. 3299
(Purpose: To reimpose statutory pay-as-you-go)

Mr. REID. Mr. President, I ask unanimous consent that it be set aside, and I call up an amendment I have at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 3305 to Amendment No. 3299.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NOMINATION OF T. ALEXANDER ALEINIKOFF

Mr. LEAHY. Mr. President, at the end of this month, the dean of the Georgetown University Law Center, T. Alexander Aleinikoff, will resign his post to accept the highly distinguished appointment of United Nations Deputy High Commissioner for Refugees. I have come to know Dean Aleinikoff well in the 5 years he has served as the dean at my law school alma mater. I am very proud of the dean's appointment and look forward to working with him in his new position.

Dean Aleinikoff has devoted his entire professional career to public service on behalf of refugees, asylum seekers, and immigrants. After graduating from Yale Law School and serving as a clerk to the Honorable Edward Weinfeld, U.S. district judge for the Southern District of New York, Dean Aleinikoff served as an attorney advi-

sor in the Department of Justice and later as General Counsel and Executive Associate Commissioner for Programs to the Immigration and Nationality Service. Dean Aleinikoff devoted years to teaching refugee and immigration law, both at the University of Michigan and at Georgetown University Law Center, where he was appointed dean in 2004. He also served as the cochair of the Immigration Policy Review Team for President Barack Obama's transition in late 2008 and early 2009.

With 34 million refugees and internally displaced persons of concern to the Office of the High Commissioner, Dean Aleinikoff's expertise and management skills will be required on a daily basis. I have long fought to expand the relief available to refugees around the world and to asylum seekers who turn to the United States for protection. I know that we share these goals, and I am confident that Dean Aleinikoff will ably rise to the challenges he will face, however daunting they may be.

I have worked closely with Dean Aleinikoff on a variety of issues throughout his tenure as dean and greatly admire his intellect and commitment to justice. The quality of the Georgetown legal education is extraordinary, and the institution's role as a national leader in law and policy has never been more prominent. As a graduate of the law school, I am sorry to see Dean Aleinikoff depart, but his work on behalf of refugees could not be more important or more timely.

I thank Dean Aleinikoff for his extraordinary leadership of the Georgetown University Law Center and wish him great success in this challenging but critically important new role.

ANNIVERSARY OF ROE V. WADE

Mr. HATCH. Mr. President, today is the 37th anniversary of a double tragedy for our Nation. On January 22, 1973, the Supreme Court of the United States twisted the Constitution to create a right to kill babies before they are born. Since then, nearly 50 million babies have lost their lives. That is more than 40 times the number of Americans who died in all of our Nation's wars. Those babies were living human beings, and they were killed by abortion.

Less than 25 years earlier, inspired by the experience of World War II, the United Nations unanimously adopted the Universal Declaration of Human Rights. The United States voted for it, and it is said to be the most widely translated document in the world. Its very first words declare that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Article 3 of the Declaration states that "everyone has the right to life."

I belong to the human family because I am a living human being. So does