

EC-4412. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (24); Amdt. No. 3353" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4413. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (99); Amdt. No. 3354" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4414. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (2); Amdt. No. 3355" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4415. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. (Type Certificate Previously Held by de Havilland, Inc.) Model DHC-8-400 Series Airplanes" (RIN2120-AA64) received in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4416. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA" (RIN2120-AA66)(Docket No. FAA-2009-0959) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1113) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes; Model A340-200 and -300 Series Airplanes; and Model A340-500 and -600 Series Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1112) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1196) received during adjournment of the Senate in the Of-

fice of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4420. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model AS332C, AS332L, AS332L1, AS332L2, SA330F, SA330G, and SA330J Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1008) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4421. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA 330 F, G, and J Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1124) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4422. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC120B Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1118) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4423. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC225LP Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1089) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4424. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes" (RIN2120-AA64)(Docket No. FAA-2007-0186) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4425. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Models N22B, N22S, and N24A Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-0987) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4426. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1A1, 1A2, 1B, 1C, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 Turboshaft Engines" (RIN2120-AA64)(Docket No. FAA-2009-0544) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4427. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1162) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4428. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes, and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-0412) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4429. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" (RIN2120-AA64)(Docket No. FAA-2007-0083) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2948. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. LEMIEUX):

S. 2949. A bill to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes; considered and passed.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 2950. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. UDALL of New Mexico:

S. Res. 396. A resolution to enable each newly constituted Senate to carry out its responsibility to determine the Rules of its Proceedings at the beginning of each Congress; to the Committee on Rules and Administration.

## ADDITIONAL COSPONSORS

S. 714

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1154

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1154, a bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans.

S. 1438

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1438, a bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 1672

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2935

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2935, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. RES. 164

At the request of Mr. FEINGOLD, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 164, a resolution amending Senate Resolution 400, 94th Congress, and Senate Resolution 445, 108th Congress, to improve congressional oversight of the intelligence activities of the United States, to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership, and to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States.

AMENDMENT NO. 3302

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of amendment No. 3302 proposed to H.J. Res. 45.

AMENDMENT NO. 3304

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3304 intended to be proposed to H.J. Res. 45.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 396—TO ENABLE EACH NEWLY CONSTITUTED SENATE TO CARRY OUT ITS RESPONSIBILITY TO DETERMINE THE RULES OF ITS PROCEEDINGS AT THE BEGINNING OF EACH CONGRESS

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 396

Whereas article I, section 5 of the United States Constitution provides that "Each House may determine the Rules of its Proceedings";

Whereas it is a longstanding common law principle, upheld in Supreme Court decisions, that one legislature cannot bind subsequent legislatures;

Whereas rule V of the Standing Rules of the Senate states that "the Rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules";

Whereas rule XXII of the Standing Rules of the Senate requires an affirmative vote of two-thirds of Senators present and voting to limit debate on a measure or motion to amend the Senate Rules; and

Whereas rule V and rule XXII of the Standing Rules of the Senate, taken together, can effectively deny the Senate the opportunity to exercise its constitutional right to determine the Rules of its Proceedings under article I, section 5, thus allowing one Congress to bind its successors; Now, therefore, be it

*Resolved*, That upon the expiration of the Standing Rules of the Senate at the Sine Die Adjournment of the 111th Congress, the Senate shall proceed in accordance with article I, section 5 of the Constitution to determine the Rules of its Proceedings by a simple majority vote.

Mr. UDALL of New Mexico. Mr. President, it is with great humility and respect for the institution of the Senate, reverence for the many great men and women who have served here, and affection for my colleagues that I rise today to discuss what I believe is an issue of great importance.

Reflecting on my first year as a Member of this body, I have come to believe that we are failing to represent the best interests of the American people. We as elected representatives have a duty to our constituents. But partisan rancor and the Senate's own incapacitating rules often prevent us from fulfilling that duty.

While I am convinced that our inability to function is our own fault, we have the authority within the Constitution to act. Article I, section 5, of our Constitution states in clear language that "Each House may determine the rules of its proceedings. . . ."

Yet at the beginning of the 111th Congress, we implicitly acquiesced to the rules adopted decades and sometimes more than a century ago, rules that most Members of this Senate have never voted to adopt.

Today these rules put in place generations ago make effective legislating nearly impossible. Specifically, under rule XXII, it is not possible to limit debate, end a filibuster, invoke cloture without 60 votes. Such cloture votes used to occur perhaps seven or eight times during a congressional session. But in the 110th Congress alone, there were 112 cloture votes, and most of these were occasioned simply by the threat of a filibuster.

The American people spoke loudly in the 2008 election. They clearly desired a President and a Congress that would set a new direction. It was not necessarily an endorsement of one ideology over another but instead a call for us to put partisanship aside and to take care of the country's business.

Although this Chamber was able to pass historic health care legislation last year, we are far from finished. More than anything, what the health care debate has demonstrated is how difficult the rules have made our legislative process. And it is not just health care. Other important pieces of legislation still languish, Federal judicial vacancies remain unfilled, and many of the President's appointees to key positions are still not confirmed. The American people deserve better.

I applaud Leader REID for what he has been able to accomplish, given the way this Chamber's rules have been used to impede progress. Senate rules are designed to allow for substantive debate and to protect the views of the minority, as our Founders intended. But they have been used instead to prevent the Senate from beginning to even debate critical legislation.