

2010, shortly before the anniversary of President Obama's inauguration, the American public learned through press accounts of still another threat confronted by the outgoing and incoming administrations. In the days preceding the Presidential Inauguration, intelligence reports surfaced that al-Shabaab, a Somali terrorist organization with ties to al-Qaeda, was planning an attack on the crowds that would gather to witness the administration of the oath of office to the 44th President of the U.S. The threat was taken so seriously that the Secretary of Defense did not attend the inaugural ceremonies in order to ensure continuity of the Nation's national security apparatus.

Fortunately this plot did not materialize. But threats like these emphasize the importance of a new president being ready to govern from day one.

Despite the challenges faced by the Bush-Obama transition, this most recent transfer of power most closely approached our transition ideal. Both the President and President-elect understood the gravity of the tasks before them, and undertook early and robust planning efforts. President Bush began preparing his administration for the transition earlier than any other presidency when he directed then White House Chief of Staff Joshua Bolten in late 2007 to ensure "that the transition is as effective as possible, especially in the national security area." For his part, President-elect Obama established the largest transition organization to date. At its peak, the Obama-Biden Transition Project's staff numbered 450, with a total budget of more than \$12 million, \$7 million of which came from private contributions.

In many ways, this most recent transition effort was the best case scenario. The transition succeeded because of the character and values of those tasked with leading the effort, individuals like Gail Lovelace, Joshua Bolten, Clay Johnson, John Podesta, and Christopher Lu.

But for critical events like a presidential transition, we cannot always be assured that such productive organizations and working relationships will develop. One need look no further than the acrimonious relationship between the outgoing Clinton administration and the incoming Bush administration, or the internal dissension in President-elect Carter's transition team, to find examples of dysfunctional transitions.

Of course, presidential personalities and uncontrollable circumstances will always be a driving factor in the success of future presidential transitions. But we in Congress can contribute to future successes by providing sufficient assistance and formal avenues to more robust transition planning, and by working to address the stigma that has unfortunately been associated with so-called "presumptuous" transition planning before the general election.

As my colleagues know, the formal mechanisms used by the federal gov-

ernment to transfer power were established in March 1964 with enactment of the Presidential Transition Act, PTA. The Presidential Transition Act of 1963 extends certain government services to the president-elect, including staff salaries, travel expenses, office space, postal reimbursement, and communications equipment. With the exception of substantive amendments in 2000 to provide for a transition directory and activities designed to "acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees," and a provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to provide for expedited security clearances for transition team members and prospective presidential appointees, the architecture our country uses to achieve a successful transition remains largely the same almost a half-century on.

So I am pleased to today join the distinguished junior Senator from Delaware, Senator EDWARD KAUFMAN, in introducing legislation to contribute to the future success of presidential transitions. Prior to returning to the U.S. Senate as a Member, Senator KAUFMAN served as one of the Obama-Biden Transition Project's twelve board members, where he gained first-hand experience in the challenges associated with transitioning the Federal Government.

I am happy to also be joined by two of the U.S. Senate's most ardent champions of good governance: the Chairman and of the Committee on Homeland Security and Governmental Affairs, Senator JOSEPH LIEBERMAN, and my longtime friend and colleague on the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Senator DANIEL AKAKA.

The Pre-Election Presidential Transition Act of 2010 would extend to the major party candidates and certain third-party candidates a select list of the services currently provided to the president-elect under the PTA. These benefits include office space, communications services, printing and binding expenses, and briefings and workshops designed to acquaint key potential administration staff with the problems and challenges they are likely to face. The bill would also provide candidates with assistance from the General Services Administration in designing systems architecture compatible with federal systems.

To encourage more deliberate transition preparation in the executive branch, the Pre-Election Presidential Transition Act also authorizes funding for the establishment of a transition coordinating council and an agency transition directors council modeled on the coordinating bodies that functioned so successfully during the Bush-Obama transition. The assistance extended to the candidates by these authorized functions would be provided

on the same terms as those employed during the last transition, on an equal basis and without regard to a candidate's political affiliation. The bill would also require the President, or the President's designee, to report to Congress in presidential election years on the preparations being made to ensure a smooth transition.

We in Congress cannot, and should not, dictate the roles and decision-making processes employed by the outgoing and incoming administrations; as a former mayor and governor, I know how fluid and dynamic transfers of power can be. So I am especially pleased that Senator KAUFMAN's bill is not prescriptive. Rather, the Pre-Election Presidential Transition Act provides assistance that candidates can reject or accept at their discretion, and the authorized activities included in the bill for coordinating bodies in the executive branch respect separation of powers issues by allowing, but not requiring, the use of these best practices.

Perhaps most importantly, the Pre-Election Presidential Transition Act provides valuable transition assistance to candidates at an earlier time than ever before. Regardless of the various unique obstacles a president-elect faces, each transition since the Nixon administration has been provided formal assistance for a very short period of time—76 days during the most recent transition. Of course, candidates can begin preparing for the transition before the general election. But in the home stretch of a presidential election, every spare dollar and body are employed to help the candidate win, and preparing to govern often falls by the wayside.

Senator KAUFMAN's bill will contribute to earlier, more robust transition planning by providing candidates with the means, the architecture, and the sanction associated with an equitable and impartial assistance mechanism to combat unfortunate dispersions of the transition planning process, like the comments directed at then Senator Obama's transition activities during the campaign.

Candidates taking deliberate steps to ensure a smooth transition should not be criticized as presumptuously "measuring the White House drapes" before the election; they should be encouraged and supported. The Pre-Election Presidential Transition Act seeks to achieve that goal.

I urge my colleagues to join in supporting the Pre-Election Presidential Transition Act.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 478—EXPRESSING SUPPORT FOR DESIGNATION OF MARCH AS "NATIONAL WHOLE CHILD MONTH"

Mrs. HAGAN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

## S. RES. 478

Whereas each student should be able to enter school healthy and learn about and practice a healthy lifestyle;

Whereas, according to the Institute of Medicine of the National Academies, the percentage of overweight children ages 6 to 11 years has doubled and the number of overweight adolescents has tripled over the last 2 decades;

Whereas each student should be able to learn in an intellectually challenging environment that is physically and emotionally safe;

Whereas according to the Indicators of School Crime and Safety report of 2009, 32 percent of middle and high school students reported being bullied during the 2007 school year;

Whereas each student should be able to be actively engaged in learning and connected to the school and broader community;

Whereas a study on high school student engagement conducted by the Center for Evaluation & Education Policy at the Indiana University School of Education found that half of high school students feel they are an important part of their school community;

Whereas each student deserves access to personalized learning and to be supported by qualified, caring adults;

Whereas the Indiana University study found that more than 20 percent of students reported that there is no adult at their school who cares about them and knows them well;

Whereas each graduate deserves to be challenged academically and prepared for success in college or further study and for employment in a global economy;

Whereas according to the most recently published information from the Condition of Education on the availability of advanced courses in high schools in United States, more than 25 percent of students do not have access to a single advanced course in mathematics, English, science, or foreign language in their high school;

Whereas another student drops out every 9 seconds in the United States;

Whereas the objective of the ASCD whole child approach to education ensures that every child is healthy, safe, engaged, supported, and challenged; and

Whereas March would be an appropriate month to designate as "National Whole Child Month": Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of March as "National Whole Child Month";

(2) recognizes that ensuring all children are healthy, safe, engaged, supported, and challenged is a national priority; and

(3) encourages parents, educators, and community members to support and provide a whole child approach to education for each student.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3720. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table.

SA 3721. Mr. BAUCUS proposed an amendment to the bill H.R. 4851, *supra*.

SA 3722. Mr. BROWN of Ohio (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

#### 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. KAUFMAN (for himself, Mr. VOINOVICH, Mr. AKAKA, and Mr. LIEBERMAN):

S. 3196. A bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. HAGAN:

S. Res. 478. A resolution expressing support for designation of March as "National Whole Child Month"; to the Committee on Health, Education, Labor, and Pensions.

#### TEXT OF AMENDMENTS

SA 3720. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

##### SEC. \_\_\_\_ . POINT OF ORDER ON LEGISLATION THAT IMPOSES A VALUE-ADDED TAX.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause the imposition of a value-added tax.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 3721. Mr. BAUCUS proposed an amendment to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

##### SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "November 6, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families

Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "June 2, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "December 7, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "November 6, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "November 6, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 101(a)(1) of the Continuing Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

##### SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by adding at the end the following:

"(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

##### SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking "March 31, 2010" and inserting "May 31, 2010"; and

(2) in subparagraph (B), by striking "April 1, 2010" and inserting "June 1, 2010".

##### SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—