

pressing for an inclusive and functional system of governance that can enforce the rule of law and provide security. In addition to supporting the TFG, we should look for creative ways to work with other governments and non-governmental actors to encourage political consensus and reconciliation among different groups in Somalia. We need to look at the grassroots and local level and see how they can be bolstered and expanded. Helping Somalis to come together around a shared political vision and to translate that vision into a political system that makes a tangible difference in people's lives is the surest way to address our national security concerns over the long term.

Achieving stability and restoring the rule of law in Somalia will not be easy or quick—nearly two decades of dysfunction have made sure of that—but we must have a strategy in place if we are to proceed. We cannot respond in an uncoordinated and ad hoc manner to the conditions that breed and empower terrorist organizations and we cannot address them on the cheap. Our national security, the fate of Somalia's people, and the region's stability demand nothing less.

PRESIDENTIAL RECORDS ACT

Mr. LIEBERMAN. Madam President, recently the Obama administration asked the National Archives to speed up its already planned release of Supreme Court nominee Elena Kagan's records from her time in the Clinton administration.

I applaud the administration's openness. But this speedy release of documents is not required by the current Presidential Records Act and might have been impossible under an Executive order issued by former President George W. Bush. That order allowed former Presidents, Vice Presidents, and their heirs to withhold the release of documents indefinitely by claiming Executive privilege.

On his first day in office, President Obama repealed the Bush Executive order, but a future President could just as easily change it back or add new impediments to the timely release of an administration's records.

I have long championed legislation to make it clear that these documents are the property of the American people and therefore should be subject to timely release.

But we cannot move forward with this legislation because my friend, colleague, and ranking member on the Judiciary Committee, Senator JEFF SESSIONS, has placed a hold on it.

Regarding the release of the Kagan documents, Senator SESSIONS recently told the Washington Post:

I think all the documents that are producible should be produced. The American people are entitled to know what kind of positions she took, and what kind of issues she was involved with during her past public service.

I agree with Senator SESSIONS and hope he will now release his hold on my

legislation so this kind of speedy release of documents and the right of the American people to view them will be the legal standard for all future Presidents.

A little history will help explain how we got to where we are today.

Securing Presidential documents is a problem as old as the Republic. George Washington had planned to build a library on his estate at Mount Vernon to house his Presidential papers. But Washington died before he could get his plan underway and his heirs were not always careful stewards of our Founding President's legacy.

Some of the documents were so badly stored they were eaten by mice. Others were sold off or given away haphazardly. One of Washington's heirs even took to cutting the signature from Washington's correspondence and sending it to collectors.

In a letter, this heir wrote:

I am now cutting up fragments from old letters and accounts, some of 1760 . . . to supply the call for anything that bears the impress of his venerated hand. One of my correspondents says, "Send me only the dot of an i or the cross of a t, made by his hand, and I will be content."

Despite this inauspicious beginning in preserving our Nation's history, for nearly two centuries it was presumed that the papers of former Presidents were their personal property to be disposed of however they or their heirs saw fit.

Think of all our national history that has been lost, destroyed or kept locked away far too long.

The bulk of Andrew Jackson's papers were scattered among at least 100 collections. Jackson's successor, Martin Van Buren, destroyed correspondence he decided was—I quote—"of little value."

The papers of Presidents Harrison, Tyler, Taylor, Arthur, and Harding were destroyed in fires—sometimes by accident, sometimes intentional.

President Lincoln's son Todd burned his father's Civil War correspondence and threatened to burn all of his father's Presidential papers until a compromise was reached with the Library of Congress that kept most of the papers sealed until 1947. This delay helped fuel conspiracy theories that the papers were kept hidden because they would show that members of Lincoln's Cabinet were part of the assassination plot—in effect, that Lincoln died in a coup.

Of course, when the papers were finally released, they showed that wasn't true, but it took 82 unnecessary years to put the rumor to rest.

These historical records are too valuable to be left to the judgment of former Presidents, the whims of their heirs, the caprice of nature or—as in George Washington's case—the appetite of rodents.

This situation finally began to change under President Franklin Roosevelt who, on December 10, 1938, announced he would build a library on his

estate in Hyde Park, NY, to house the papers and collections of his public life that stretched back to 1910, when he was elected to the State Senate of New York.

Roosevelt set a standard for openness, asking his aides and Cabinet Secretaries to contribute to the collection, and almost every President who followed carried on in the spirit of Roosevelt—also building libraries to house their papers.

But this system was voluntary and began to crumble with the resignation of our 37th President, Richard Nixon.

Nixon had an agreement with the General Services Administration, GSA, which would have allowed him to keep all his records locked away, including the infamous Watergate tapes, and mandated many of them be destroyed.

This put us right back where we started, with a former President choosing what historical records the public was entitled to. Congress passed legislation in 1974 specifically ordering that the Federal Government take control of Nixon's records and then in 1978 passed legislation declaring that Presidential papers were public property that must be turned over to the National Archives at the end of an administration and be open to the public after 5 years.

Systems, however, were put in place to allow a former President to review documents—and challenge their release on the grounds of Executive privilege. But the presumption was in favor of openness unless the former President could show the court a compelling reason to withhold the documents.

But then, as mentioned, President Bush weakened the law with Executive Order No. 13233, issued on November 1, 2001. Just to repeat, under this order, not only former Presidents and their heirs, but Vice Presidents and their heirs as well, could withhold the release of documents by claiming Executive privilege.

The order also required those challenging claims of Executive privilege to prove in court that they have a "demonstrated, specific need" for the documents—an impossibly high standard since only the document's author can know precisely what a document contains.

And since the Executive order also allowed for an indefinite review period, these records—housed in Presidential libraries maintained by the taxpayers—could be locked away for indefinite periods of time, making them about as useful as the ashes of Lincoln's letters.

In reversing Bush's Executive order, President Obama made clear that only the sitting President can claim Executive privilege—not their heirs, and not their Vice Presidents or the Vice Presidents' heirs.

In signing the new Executive order, President Obama said:

Going forward, anytime the American people want to know something that I or a former President wants to withhold, we will have to consult with the Attorney General and the White House Counsel, whose business

it is to ensure compliance with the rule of law. Information will not be withheld just because I say so. It will be withheld because a separate authority believes my request is well grounded in the Constitution.

This is wise public policy and should be the law of the land—subject to repeal only by Congress, not by Executive order.

When President Roosevelt dedicated his library and began opening up his records and other artifacts to public view, he made it clear that this kind of openness is good for a democracy. “The dedication of a library,” Roosevelt said, “is in itself an act of faith. To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a Nation must believe in three things. It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its own people so to learn from the past that they can gain in judgment in creating their own future.”

This Congress can now reassert Roosevelt’s faith in our democracy. That is why I urge my colleague, Senator SESSIONS, to release his hold on H.R. 35 so we can pass it, get it to the President, and make history now by preserving Presidential history as an open resource for Americans to learn from in the future.

NATIONAL CANCER SURVIVOR’S DAY

Mr. JOHNSON. Madam President, I rise today in recognition of the 23rd annual National Cancer Survivor’s Day and to celebrate those who have won the battle against this devastating disease.

My wife Barbara is a breast cancer survivor, and I am a prostate cancer survivor. My family and I are well aware of the difficulties that come with seeing a loved one diagnosed with a serious illness such as cancer and are equally aware of the life-affirming joys that accompany survival.

Cancer affects millions of individuals and families worldwide. Fortunately, more people are expected to survive cancer today than in the past, thanks to advancements in screening, diagnosing, and treating various forms of the disease. The National Cancer Institute estimates that approximately 11.4 million Americans with a history of cancer were alive in 2006.

Saving lives means preventing cancer, finding it early, and continuing the search for a cure. Throughout my career in the U.S. House and Senate, I have strongly supported proposals that would advance research, funding, and education about all forms of cancer, such as those conducted at the National Institutes of Health, the Cancer Research Institute, as well as the Centers for Disease Control and Prevention. Improved understanding of the biological and environmental causes of cancer will bring us ever closer to more effective treatments and eventually a cure.

Today, however, cancer remains the second leading cause of death in the

United States. The disease is expected to claim more than half a million lives in 2010, and the American Cancer Society estimates an additional 1.5 million new cases will be diagnosed this year.

While increasing public awareness of cancer risk factors and the importance of early screening helps save lives, winning the war on cancer depends on access to affordable health care. Many cancers can be prevented or treated if caught at an early stage, but lifesaving screenings and treatments remain out of reach for millions of Americans with inadequate insurance or no coverage at all.

This year Congress passed an extensive reform of our Nation’s health care system that will benefit all families affected by cancer. This historic legislation emphasizes prevention, expands access to meaningful coverage, ends unfair practices by health insurance companies, and improves quality of life for cancer survivors through better management of chronic diseases.

It is important to note that a survivor’s battle does not end with successful treatment. Cancer patients face many side effects to treatment, as well as a continued risk of reoccurrence. Some treatments can permanently alter a patient’s well-being and cause other health problems in the short and long terms. The security of meaningful and affordable health coverage is vital for cancer survivors to closely monitor their health for the rest of their lives.

The millions of Americans with a history of cancer who are alive today demonstrate that the battle against this disease can be fought and won. National Cancer Survivor’s Day provides an occasion to recognize cancer survivors, as well as learn more about this illness and its impact on our Nation and our families. Not only does cancer affect the patient but their spouses, children, and other family members as well. National Cancer Survivor’s Day distinguishes all those who have experienced cancer in any form.

Ms. LANDRIEU. Madam President, as we near the close of the 2010 National Small Business Week, I am pleased to join Senator OLYMPIA SNOWE in introducing the Small Business Tax Equalization and Compliance Act of 2010, which extends a tax credit to salon owners for FICA taxes paid on employees’ tipped income.

Currently, salon owners are required to pay the employer’s share of the FICA taxes on tips paid to employees even though owners do not control the amount of tips paid and do not get a share of the tips received. The Small Business Tax Equalization and Compliance Act of 2010 would create a tax credit for employers to offset the matching FICA paid on employees’ tips just like restaurants received. In addition, it includes education and reporting requirements which may reveal a valuable new source of tax revenues for the Federal Government.

The salon industry is a vital and growing sector of America’s economy. Not only will extending the tip tax credit to salon owners allow them to

reinvest in their businesses and employees, but it will also grant new economic and employment opportunities in local communities. I urge my colleagues to support this bill which puts the professional beauty industry back on equal footing with the restaurant industry.

ADDITIONAL STATEMENTS

RECOGNIZING FRENCHTOWN HIGH SCHOOL ACADEMIC TEAM

• Mr. BAUCUS. Madam President, I wish today to recognize the achievements of five very bright students from the Frenchtown High School Academic Team. While academic extracurricular activities may not receive recognition as often as they should, these young individuals have put their brains over brawn to steal the spotlight by qualifying for the Partnership for Academic Competition Excellence Championship, taking them over 2000 miles away from their hometown of Frenchtown, Montana to our Nation’s Capital.

The Frenchtown High School Academic Team is here today because of hard work. Taylor Amundsen, Joseph Taylor, Eamon Thomasson, Mary Brooks and Michael Rebarchik have gathered in their advisor’s, Merle Johnston, class room during their lunchtime and afterschool for practice. They competed against bigger schools and won. This season at the Brainfreeze competition, held on their home turf, the Frenchtown team went ten rounds undefeated and went on to edge out their rivals, Billings Skyview for the championship trophy.

This weekend at the national tournament they proudly represented Montana. I congratulate the academic team and their advisor Merle Johnston. These outstanding young people are the future of our Nation, and I know they will continue to make Montana proud.●

REMEMBERING CHARLIE MEYERS

• Mr. BENNET. Madam President, today I wish to honor the memory of Charlie Meyers.

For decades, Charlie Meyers spoke up for Colorado’s rivers and wildlife on the pages of the Denver Post. An award-winning outdoors writer and dedicated conservationist, Meyers shined a light on the threats to our State’s treasured mountains and fishing holes as only a true outdoorsman could.

In his final column, Meyers told his readers about “Fairplay Beach” in Park County, a “minor marvel,” as he called it, “filled with angling delights . . . threatened by a variety of perils that demand attention, and soon.”

Meyers was a native of Sicily Island, LA, and a graduate of Louisiana State University. He first joined the Post