

Whether one works in the judicial, legislative, or executive branches of government, you take an oath to support and defend the Constitution of the United States. In this case, Ms. Kagan recognized that the professional lawyers at the Justice Department had valid legal concerns that these bills might violate Americans' free speech rights. But she disregarded these valid concerns, and even helped prevent them from being aired, in order to help advance a political agenda.

Now, I understand that Ms. Kagan was part of President Clinton's team, just like she is now part of President Obama's team. Both Presidents were no doubt pleased with her political and policy advice. And we know President Obama is very pleased with the job she did in Citizens United. But if she were confirmed to the Supreme Court, she can not be on anyone's team.

Ms. Kagan has said that judging is a "craft," and that the Senate should always insist that a nominee's background show that they can "master" that craft. I agree with Ms. Kagan that judging is a craft. But for most of her adult life, she has practiced a much different craft, the craft of political advocacy. We must be convinced that someone who has spent the better part of her career as a political adviser, policy advocate, and academic, rather than as a legal practitioner or a judge, can put aside her personal and political beliefs, and impartially apply the law, rather than be a rubberstamp for the Obama or any other administration. The Clinton library documents make it harder,

not easier, to believe that Ms. Kagan could make that necessary transition.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AFFORDABLE HEALTH CARE FOR AMERICA ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 210, H.R. 3962; that the Baucus substitute amendment, which is at the desk, be considered agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to, and the motion to reconsider be laid upon the table; that any statements related to this measure be printed in the RECORD, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4383), in the nature of a substitute, was agreed to.

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

The amendment (No. 4384) was agreed to, as follows:

Amend the title so as to read: "An Act to provide a physician payment update, to provide pension funding relief, and for other purposes."

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO legislation for H.R. 3962, as amended by Senate Amendment No. 4383. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010, Public Law 111-139, and is being submitted for printing in the CONGRESSIONAL RECORD prior to passage of H.R. 3962, as amended, by the Senate.

Total Budgetary Effects of H.R. 3962:
2010-2015—net decrease in deficit of \$2.384 billion.

2010-2020—net decrease in deficit \$168 million.

Reduction of Total Budgetary Effects for Current Policy under Section 7:

2010-2015—\$6.348 billion.

2010-2020—\$6.348 billion.

Total Budgetary Effects of H.R. 3962 for the 5-year Statutory PAYGO Scorecard: -\$8.732 billion.

Total Budgetary Effects of H.R. 3962 for the 10-year Statutory PAYGO Scorecard: -\$6.516 billion.

I ask unanimous consent to have printed in the RECORD a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN ACT TO PROVIDE A PHYSICIAN PAYMENT UPDATE, TO PROVIDE PENSION FUNDING RELIEF, AND FOR OTHER PURPOSES (AS PROVIDED BY STAFF ON JUNE 18, 2010)

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
	Net Increase or Decrease (–) in the On-Budget Deficit												
Total On-Budget Changes	– 569	2,460	– 1,266	– 1,253	– 981	– 776	– 467	– 171	558	1,233	1,063	– 2,384	– 168
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians ¹	2,708	3,640	0	0	0	0	0	0	0	0	0	6,348	6,348
Statutory Pay-As-You-Go Impact	– 3,277	– 1,180	– 1,266	– 1,253	– 981	– 776	– 467	– 171	558	1,233	1,063	– 8,732	– 6,516

Note: Components may not sum to totals because of rounding.

¹ Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians. CBO estimates that the maximum available adjustment for a physician payment policy through November 30, 2010, is about \$6.3 billion.

Sources: Congressional Budget Office and joint Committee on Taxation.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3962), as amended, was passed.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say to my friend, the majority leader, this is a good example of bipartisanism. I think we have come up with a proposal and achieved a goal that both sides wanted to achieve, which is to get a doctor fix for at least a 6-month period of time. Also, it is paid for. So we have done it without adding to the deficit, and I think that is something both sides can feel good about.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, sometimes the Senate can be terribly disconcerting and aggravating, but that is the way the Senate is. Those are the rules we work under. I love the Senate. Every day that goes by, I understand there are times I am aggravated and disconcerted, but the vast majority of the time I am amazed how we are able to get work done.

I say through the Presiding Officer to my friend, the Republican leader, I am glad we were able to work out this legislation. This is extremely important for everybody, and we are going to move on with the rest of the bill and try to finish that as early as possible.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much appreciate this development. This is very important. Now doctors

will be paid. More important, seniors will get the benefits they deserve. Payments under TRICARE will now go out. Military who participate in TRICARE, the retired military program, will get their benefits because that is all tied together. It is important because this provision expired June 1, this month, and it is about the last day for the payments to be paid; otherwise, there would be a 21-percent reduction in payments to physicians, and many providers would not provide the services to seniors, or even Medicaid, for that matter. So it is very important that we are taking this action this day; otherwise, there would be near chaos in the absence of medical care and procedures.

I appreciate the cooperation on both sides of the aisle in working this out. This is all paid for. This is not deficit

spending, which I think is critical to many. Third, it is a good omen. I hope we can take this cooperation and work out the rest of the so-called extenders bill together on both sides of the aisle. I am very pleased with this development. I thank the majority leader and the minority leader for working this out. Now we can put this issue aside and doctors will be paid, seniors will get the benefits they deserve, and we can go on to work cooperatively to finalize the rest of the bill.

I thank my friend.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this year has been an extremely difficult year. No one has been more involved in everything we have done here than my friend from Montana. In true times of crisis—and we have had plenty of crises in the last 18 months, and he and I had a relationship before that. In the last 18 months, we were in the trenches together to work through some big problems we have here legislatively. Because of his responsibility as chairman of the Finance Committee, much of the burden of what goes on in the Senate is on his shoulders. He has broad shoulders and a wonderful staff. I enjoy working with him, and I enjoy his friendship.

REMEMBERING ARKANSAS FLOOD VICTIMS

Ms. LANDRIEU. Mr. President, it is with heartfelt sympathy that I stand before you today to offer my deepest condolences to the family members and friends who lost their loved ones in the flash floods that swept through the Albert Pike Recreation Area in the Ouachita National Forest Campgrounds in the early morning hours of June 11, 2010. Approximately 8 inches of rain fell in 1 hour overnight, providing very little warning to campers of the danger. The warnings went unheard early Friday morning; the campground has no sirens, no park ranger on site, poor radio reception, and spotty cell phone service.

The Caddo and Little Missouri rivers rose by 20 feet overnight, engulfing the hikers and campers who were spending the night in tents along the rivers in the isolated Ouachita Mountains. The 54-unit campground was quickly inundated with water, which was rising as quickly as 8 feet per hour. The water was so violent it overturned RVs and peeled asphalt off the roads.

Twenty people, in some instances several members from the same family including young children, lost their lives in this tragedy. Among those lost were eight Louisianans, and my heart goes out to the Smith family, who lost Anthony, Joey, and Katelynn; to the Basinger family, who lost Shane and Kinsley in Gloster; and the Roeder family in Luling who, lost Kay, Debbie, and Bruce.

The 20 people lost to this tragedy will be greatly missed by their families,

friends, and communities. I ask that you remember the victims of the flash floods in your thoughts and prayers.

ADDITIONAL STATEMENTS

HEBRON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today, I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. From July 1–4, the residents of Hebron, ND, will gather to celebrate their community's founding.

The city of Hebron was established in the 1880s and was formed into a village in 1885. It was incorporated as a city in 1916. Hebron grew to its highest population of 2,000 in the mid-1950s and now is a town of around 900 nestled in a peaceful valley located 2 miles north of Interstate 94 in southwestern North Dakota.

Hebron is home to the Hebron Brick Company, Inc., which was started in 1904. Soon after European settlers began arriving in western North Dakota, Charles Weigel and Ferdinand Leutz established Hebron Fire & Pressed Brick Company. It is the oldest manufacturing operation in North Dakota, and its state-of-the-art brick making facility had made it one of the most successful brick companies in the upper Midwest. Abundant natural resources of the area allow the Hebron Brick Company to provide its customers with an array of brick options. Their modern facilities ensure that the Hebron Brick Company manufactures consistent, durable, and elegant products for their customers.

Hebron sits along the Old Red Old Ten Scenic Byway. The Old Red Old Ten Scenic Byway allows tourists the opportunity to explore the rich history of North Dakota settlers. The culture of Native Americans and the diversity of European pioneers are captured along this route. The natural beauty of the buttes, river valleys, and prairie provides an image of pleasant, rural life for visitors.

The citizens of Hebron are proud to mention the many reasons their community is so strong. The city offers genuine small-town living with a weekly local newspaper, two grain elevators, a public library, an outstanding public education system, parks, and recreational areas for families and friends to spend quality time together. Hebron will soon celebrate the completion of its new community center, and I wish to congratulate the city on achieving this milestone.

In honor of the city's 125th anniversary, community leaders have organized a parade, car show, street dance, concerts, and other celebratory events.

I ask that my colleagues in the U.S. Senate join me in congratulating Hebron, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Hebron and all other historic small towns of North Dakota, we keep the great pioneering

frontier spirit alive for future generations. It is places such as Hebron that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hebron has a proud past and a bright future.●

NEW LEIPZIG, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today, I am pleased to recognize a community in North Dakota that is celebrating its 100th anniversary. From July 1–4, the residents of New Leipzig, ND, will gather to celebrate their community's founding.

In May 1910, a town site was platted by the Milwaukee Land Company of Chicago. The German-Russian residents of nearby Leipzig, wanting a location closer to the railroad, relocated to what was soon named New Leipzig. New Leipzig underwent a brief name change in 1912, but after input from residents, the town was once again called New Leipzig.

Hertz Brothers Hardware is believed to be the oldest company still doing business in Grant County. Originally located in Leipzig as the Farmers Commerce Company, the company quickly moved to New Leipzig and became known as Hertz Brothers Hardware in 1912. Today, the business is under its third generation of management. Roehl Trucking is also a third-generation business, and Stelter Repair is under its fourth generation of management. Main Street today is almost entirely populated by farm-related service businesses. Businesses currently servicing the area include Tietz Hardware, Larry's Service Center, Stern Motors, Randy's Sales & Service, Stelter Repair, Roehl Transfer Inc., Schock Real Estate, B & L Lounge, Star Grocery, Hertz Brother's Inc., the United States Postal Service, New Leipzig Grain, and Dakota Community Bank.

New Leipzig, like so many other rural communities, strives to be a true home for its people and to provide a solid upbringing and quality education for its children.

In honor of the city's 100th anniversary, community leaders have organized class gatherings, a bonfire, a parade, a dance, and an ice cream social, among many other fun and exciting events.

I ask that my colleagues in the U.S. Senate join me in congratulating New Leipzig, ND, and its residents on their first 100 years and in wishing them well in the future. By honoring New Leipzig and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as New Leipzig that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

New Leipzig has a proud past and a bright future.●