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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray:

Almighty God, our guard and guide, look with mercy upon our Senators in these challenging times. Draw them close to You and to each other in humility, so that they will sincerely seek to find common ground. Spare them from arrogating to themselves the judgments which belong only to You. As they seek to confront history's surprises, may they lean not upon their abilities but put their ultimate trust in You. Prepare them to expect and celebrate the healing intervention of Your powerful providence. Remind them that You are waiting to bless them and have specific answers to their questions as they listen for Your voice.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 28, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of Kathleen Sebelius to be Secretary of Health and Human Services. There will be up to 8 hours for debate prior to a vote, with a 60-vote affirmation required for confirmation. That is by agreement.

I would indicate we have a few speakers on our side but not 4 hours worth. In fact, if we get up to an hour, it will be a surprise to me. So we will yield back a lot of that time.

At 12 noon we will vote on passage of the Fraud Enforcement and Recovery Act.

The Senate will recess from 12:30 until 2:15 today for our weekly caucus luncheons. Following the caucus recess, the Senate will resume debate on the Sebelius nomination, with the vote expected sometime later in the afternoon or evening.

Last night, the budget conferees filed a conference report accompanying the budget resolution. We expect to consider the conference report sometime tomorrow.

Finally, I expect the Senate to begin consideration of housing legislation this week. We have not finalized that with the distinguished Republican leader and members of his caucus, but I think we are getting very close. What we anticipate—I have filed, under rule XIV, the House-passed bill minus the bankruptcy provision. It is contemplated that the first amendment will be offered by Senator DURBIN, to put the bankruptcy provision back in the bill. Then after that, we would take a look at the bill to see if anything else needed to be done. But the Durbin amendment would include just the bankruptcy language. There are issues in this dealing with FDIC and other things we are told the banking community and financial world needs, and we will take a look at that. That is how we will get to that legislation. We hope to do that within the next 24 hours or something like that.

I have indicated to the Republican leader that the next nomination we are concerned about is Tom Strickland, the Chief of Staff of the Secretary of Interior. I had good conversations with Senator BUNNING last week. He has some questions he wants answered. He put that in writing to the Secretary. That has been all taken care of. Senator BUNNING said he was not worried about delaying the vote but he wants an opportunity to be able to speak in regard to him, and I think there are other Senators who feel the same way, so hopefully we can work that out.

Then we are going to the credit card legislation, which was reported out of the Banking Committee. That is something that will not be real easy to do, but polling numbers indicate that almost 90 percent of the American people want us to do something with credit cards so it is something we have to do.

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



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I have talked with the Republican leader about other things we wish to try to accomplish before we leave here during this spring period.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### GUANTANAMO BAY

Mr. MCCONNELL. Mr. President, tomorrow night in Berlin, Attorney General Holder is scheduled to deliver a speech about the administration's plan to shut down the detention facility at Guantanamo Bay by the arbitrary deadline of January 2010.

Many Americans are skeptical of the administration's decision to close Guantanamo before it has a plan to deal with the 240 terrorists who are currently housed there. And Americans were rightly alarmed by recent news reports that the administration is considering releasing some Guantanamo detainees into the U.S.—not to detention facilities, but directly into our neighborhoods.

Aside from the question of why the Attorney General thinks a German audience should hear about the administration's plans for Guantanamo before the American people do, there are a number of questions about the administration's plan for releasing terrorists into the United States that I hope the Attorney General will address tomorrow night.

Question No. 1: What is the legal basis for bringing these terrorist-trained detainees to the United States, given that Federal law specifically forbids the entry of anyone who endorses or espouses terrorism, has received terrorist training, or belongs to a terrorist group? That is U.S. law.

Question No. 2: Can the administration guarantee the safety of the American people, particularly in the neighborhoods where these terror-trained detainees will live?

Question No. 3: Will the residents of the communities where these men will be released be made aware of it?

Question No. 4: Will these trained terrorists be allowed to travel freely anywhere in the United States?

Question No. 5: What will their status be? Will they be allowed to stay here permanently? Will they be eligible for citizenship? Will they receive or be eligible to receive taxpayer funding? Why did no other country agree to accept them? What threat do these men pose of returning to terrorist activities and what threat assessments have been conducted to evaluate whether these men will attack U.S. troops on the battlefield or Americans at Embassies abroad?

There are now less than 300 days until the President's Executive order mandates the closure of the secure detention facility at Guantanamo and

the transfer or release of its remaining detainees. I recognize the difficulty of the challenge these detainees present, but we shouldn't let an arbitrary deadline and a desire to appease critics overseas lead to decisions that make American citizens less safe.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### EXECUTIVE SESSION

#### NOMINATION OF KATHLEEN SEBELIUS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 8 hours of debate equally divided and controlled between the leaders or their designees.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senate confirmed the first member of President Obama's Cabinet more than 3 months ago. Today, we are here to finish the job.

It has taken some time to get here. But now we have a great nominee to be Secretary of Health and Human Services.

Today, we will vote to confirm the nomination of Governor Kathleen Sebelius to be Secretary of HHS. She is the right person for the job.

Governor Sebelius comes to us with a long list of qualifications. She is a true public servant. For more than 6 years, she has served as Governor of Kansas. For 8 years, she served as the Kansas Insurance Commissioner. And for 8 years before that, she served in the Kansas State Legislature.

Governor Sebelius has devoted a career to serving the public. She understands the legislative process. She understands the administrative process. And she has experience working with the private sector, too. Governor Sebelius has earned the respect of Republicans and Democrats alike.

Governor Sebelius knows a lot about health care. She is committed to protecting people and getting them the health care that they need. As Governor, she worked hard to make sure that Kansans—especially kids—had access to quality health insurance that they could afford. And as Insurance Commissioner, Governor Sebelius blocked a merger that would have made insurance unaffordable.

In addition to protecting consumers, Governor Sebelius also recognizes the need to bring businesses together to make our health care system work.

As Governor, she worked hard to make health care costs more manageable for businesses. And she worked to get more small businesses to offer health insurance coverage. Governor Sebelius doubled the small business tax credit.

Governor Sebelius' record shows that she approaches problems from all sides. She is prepared to try creative solutions. She is forward-thinking. She is willing to work with everyone. And she is not afraid to lead—even when faced with difficult choices and resistance to change. That is just the kind of leadership that we need in the Secretary of Health and Human Services.

Governor Sebelius has proven that she is willing to work hard and it is a good thing because we have a lot of work to do.

Our health care system is broken. We spend more than any other country on health care—more than \$2.4 trillion annually—and we don't even cover all Americans.

Forty-six million Americans lack health insurance, and another 25 million Americans are underinsured—they have some coverage but not enough to keep their medical bills manageable. That is why medical debt contributes to half of all bankruptcies—affecting about 2 million people a year.

American families are struggling to keep up with the high costs of health care. And American businesses are straining to absorb these rising costs while trying to stay competitive at home and abroad.

The path that we are on is not sustainable. We must inform our health care system and we must do it now. Failure to address problems in the health care system will undermine our efforts to restore the economy.

We need a health care system that meets all of our needs. A high-performing health care system would guarantee all Americans affordable, quality coverage no matter their age, health status, or medical history.

Health care reform will help to stabilize our economy and it will make sure that we are prepared to handle our long-term fiscal challenges.

Congress has made a good start toward reform. But there is still a long way to go.

Last year, we in the Finance Committee started the process by holding ten different health reform hearings. We learned about the problems in our current system and started to develop solutions.

In June, along with my colleague CHUCK GRASSLEY, I hosted a day-long health care summit for the Finance Committee at the Library of Congress.

We engaged our colleagues in the process early on. In November, I released a white paper, "A Call to Action," to outline my vision for health care reform. Since then, I have been