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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, November 2, 2009, at 12:30 p.m.

Senate

FRIDAY, OCTOBER 30, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK UDALL, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

God, be with us, before us, behind us, and in us. God, be beneath us and above us. Stay on our right and left. Sustain us when we lie down, when we sit and arise.

Be in the hearts of our Senators, guiding their speech and directing their actions. Give them Your special gifts of wisdom and understanding, patience and strength so that their labors will hasten the coming of Your kingdom.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK UDALL 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, October 30, 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 UDALL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of Colorado thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business. We have no set time on it this morning, although Senators will be allowed to speak for up to 10 minutes each during the pendency of that morning business. There will be no rollcall votes today. The next rollcall vote will occur at 5 p.m. on Monday, November 2. The vote will be on the motion to invoke cloture on the substitute to amendment H.R. 3548, the Unemployment Benefits Extension Act, which has attached to it the very important extension of the first-time home buyers tax credit, which has been modified to allow people other than first-time home buyers to now buy homes.

In addition to that, there is an extremely important provision to help the economy, the loss carryback, and we hope to complete that as soon as possible. If, in fact, cloture is invoked Monday night, that would be done quickly. The House said they would accept that, and that could be done as early as Tuesday and signed by the President, which would be a great relief to realtors all over the country. It would be important for banks, especially community banks, so that they would be in a position to start helping small businesses more as a result of the legislation that is attached to that, the loss carryback. If, in fact, the Republicans are going to keep stalling, then we won't be able to do that until probably sometime Tuesday night.

Each day that goes by is critical. We have a million people—1 million people—who are eligible for this; 7,000 new people every day, 49,000 a week. We have been stalled for 3 weeks with this, meaning 150,000 people have lost their benefits during the time the Republicans have stalled this very important piece of legislation. It is legislation that is paid for. It doesn't increase the debt. It allows people who have been unemployed for long periods of time to continue receiving unemployment benefits. It is stunning to me to understand how the Republicans can hold this up, but they have. I hope that stops on Monday night.

NEVADA

Mr. REID. Mr. President, the story of Nevada is the story of America, really. We became a State on October 31, 1864,

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



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the 36th State to join the Union. As America has grown and grown up, so has my State in many different ways. America isn't the only one that has grown up; so has the State of Nevada. As America has changed, Nevada has evolved just as dramatically. Lands that were once frontier are now cities on the front lines of technology and industry. Where our land was once dominated by homesteads, it is now dotted by energy-efficient homes.

In these 145 years since the birthday of Nevada, which will be celebrated this Saturday, we have come a long way. But one thing has not changed since that Halloween in 1864: Forward-thinking Americans are still coming westward, calling Nevada home, and many of them are coming eastward from California, where we get a lot of new residents.

The State of Nevada was joined to the Union at the height of the Civil War. Just as Congress was voting on the 13th amendment that would abolish slavery, "Battle Born"—which is our motto—"Battle Born" Nevadans continued to fight for equality, freedom, and progress, including nearly 1,000 Nevadans who today serve bravely in our Nation's Armed Forces in Iraq, Afghanistan, around the globe, and here at home.

The day before yesterday, I called the mother of three children who had lost her husband in Afghanistan. I see in the morning news coming out of Nevada that I am going to have that same responsibility later today when I call the family of Josue Hernandez Chavez, who was killed yesterday in Afghanistan. He is from Reno, NV, just like the soldier's family I called the day before yesterday was from Reno. These two men died following a long, strong tradition of soldiers, sailors, airmen, and marines who have defended America in both war and peace.

Nevada is honored to be the home of some of our most important and premier military installations in the world, and certainly in the United States, including Nellis Air Force Base, Creech Air Force Base, Naval Air Station Fallon, which is the home of Top Gun, and the Hawthorne Army Depot, as well as many National Guard armories and Reserve readiness centers.

Outside of Nevada, much attention is paid, of course, to the entertainment capital of the world, Las Vegas. That attention is deserved, as Las Vegas has built itself from a desert outpost to the entertainment capital of the world as well as the city on the vanguard of the clean energy revolution. But every corner of the State is playing a critical role in leading our Nation toward energy independence. It is a revolution fueled by Nevada's boundless innovative spirit and its unlimited natural resources.

Indeed, Nevada is an outdoor enthusiast's dream. A lot of people think of Nevada as a desert, but it is not. We are the most mountainous State in the Union, except for Alaska. We have

more than 300 mountain ranges. We have 32 mountains over 11,000 feet high. We have one mountain about 14,000 feet high. We have some of the most beautiful wilderness areas in all of the Nation, Alpine Meadows, mountain sheep. A lot of places don't have—we have mountain goats in Nevada; Sheldon Antelope Range set forward by Theodore Roosevelt, the most sparsely populated area in all of the United States except for Alaska; and, as Mark Twain said, Lake Tahoe, the fairest place the whole Earth affords. It is a beautiful lake shared by California. There is only one other lake like it in the world, and that is in Russia, Lake Baikal. It is a beautiful lake. It is really the gem of the Sierras. So from its snowcapped peaks to its searing desert, the Nevada landscape is as diverse as the backgrounds of those who helped settle it, those who live and work there today.

It is also a wonderful place to raise a family. I know that firsthand because I was born and raised in Nevada, as have been all of my five children. My wife is like so many people—in fact, the majority of people; she was born in California and worked her way into Nevada with her family.

When we ensure that all Nevadans can afford quality health care and can count on a good-paying job, it will be even better. That is why I come to work each day, to make life easier for my neighbors back home. That is why I am working to help our country prosper, our economy be raised up as it once was. That is why I am working to protect our State's natural beauty. That is why I fought to end the plan that would have made Nevada the Nation's nuclear dumping ground.

I am really proud to be a Nevadan. I am humbled that the people of Nevada have asked me to represent them in various capacities for a long time. I am proud that the Senate has recognized the 145th anniversary of our State's ratification of the Constitution.

Nevada is going to recover economically. It remains open for business. In the words of the State song, it will always be home to me. Home means Nevada, home means the hills, home means the sage and the pines. That is our State song.

STOPPING PROGRESS

Mr. REID. Mr. President, I wish to shift gears a little bit here this morning and focus on a problem we have here in the Senate. The problem is caused by our Republican colleagues.

The Republicans have become the party of no. What we want to question is this: We have back here the breakdown of the 85 times they have stopped progress in America today, some in the form of filibusters, others in the form of various ways of objecting to things—just objecting to things. For example, with health care, there is an article in the New York Times today where one Senator said his main goal is to defeat health care. One Republican Senator

said they want health care to be President Obama's Waterloo. Eighty-five times, taking not hours of the Senate's time but weeks and months, the American taxpayers' money being wasted.

I came to the floor yesterday and talked about what has happened with nominations. Every one of these nominees is a human being, a person who has decided to devote their life to public service.

Yesterday, I came to the floor and talked about Dr. Benjamin, a woman who is a medical doctor from Alabama who has devoted her life to taking care of the poor and the oppressed. President Obama selected her to be Surgeon General of the United States a long time ago. It wasn't until last night, after months, that somebody decided over here: Well, maybe that is a little too much. We have an emergency declared with the swine flu. Maybe we should let her go.

I received a call Monday from the Secretary of Homeland Security, Janet Napolitano, indicating that a woman by the name of Jeanne O'Toole—I ran through her resume yesterday. There might be somebody better educated than she and who has written more on matters relating to what Janet Napolitano knows is needed, but I don't know who it would be. Dr. O'Toole is a well-educated medical doctor, having written numerous pieces on bioterrorism, all kinds of weapons of mass destruction, Anthrax, the plague. She has written about all that in some detail. Janet Napolitano said the Department of Homeland Security needs someone as Under Secretary to work on bioterrorism, to work on the swine flu that is sweeping the country.

No, it is held up. We were told yesterday, when I offered her name, by the Republican leader that we need to work on this a little longer. What is going on here in the Senate some day will be written about—a time like no other time in the history of the Senate. A minority party has held up progress for so long for so many unnecessary reasons. In fact, there are no reasons, except—I guess I have to change that a little bit. One of the important nominees of President Obama being held up is someone to be a Trade Representative. We have all kinds of problems dealing with trade around the world. There is a hold on that. We know that the hold isn't based on a law that one of the Republican Senators doesn't like; it is not a law being discussed in the House of Representatives here. It is not a law being discussed in the Senate or in one of our capitals around the country; it is a law dealing with tobacco that is being discussed in Canada. He is holding up this important job for a person waiting to go to work, who served in two Republican administrations, one Democratic administration previously, and he is being held up because of a tobacco debate taking place in Canada. We have no control over that.

We have the General Services Administration. They take care of all Federal

property. This is the Administrator. That name has been submitted by President Obama, and it is being held up over a building in Kansas City—somebody wants a building built in Kansas City, one of the Republican Senators. He is holding up this nominee.

There is a hold on two State Department officials, who are extremely important. One is to be the person working with Secretary Clinton to take care of Mexico, Central America, and South America. That will be his responsibility someday—if he can ever get cleared. It is being held up because they don't like what is going on in Honduras. I guess they will be really upset today, because the problem has been solved. What they want over there is the international community, which is totally against the coup having taken place in Honduras—one took place and they say it was the right thing to do, even though the Organization of American States and the whole international community opposes what has taken place. I guess they are going to be upset now because the problem was solved last night. That person who was illegally taken from that country was brought back—he has been in hiding in the Swiss Embassy for more than a month—and he is now going to take office again. We have the person who is going to be handling Central America being held up, in addition to an Ambassador to one of those countries down there, for the same reason.

This isn't a single problem. Take, for example, President Bush—the second President Bush. At this time during his Presidency, there were five nominees on the Senate calendar. One had been reported out of committee in September, and four were reported out in October. We are still in October. They had five. President Obama has 52 nominees on the Senate calendar and another 175 pending in committee. That is 52 compared to 5. Some of these have been out for a long time. Some have been reported out in March, May, June, July, and August. They are being held up for reasons about as ridiculous as I have told you already.

Sadly, many of these holds are women and minorities. Republicans have been stalling President Obama's nominees for months on end. There is a backlog of good, qualified nominees who are awaiting confirmation. These are people who have decided they are going to spend time in the Federal Government, giving up, in many instances, professorships at major universities, leaving law firms and accounting firms, medical schools, giving up private practice, and they are waiting, waiting until the Republicans decide they are going to let them through.

Some may say, why don't you move forward on them? Let me give those within the sound of my voice a little explanation. We have had to file cloture motions on nominees to stop filibusters. During the same time during

President Bush's Presidency, not a single one. We have had eight or nine now. Each one of those takes a long time. You move to it, you wait 2 days, and there is 30 hours, and then 2 more days, 30 hours. With these 53 they have held up here, there aren't enough hours in the day to do this—working weekends and all night. It is a real disappointment.

We have a situation here where the only response we have from the minority is to stop everything. They have become the party of no. If that is what they feel they should be known as, that is what it is going to be. We are going to remind the American people what is taking place here. This never happened before, where they are opposed to everything, whether it is somebody who has an unfortunate situation in their life where they can't work because there is no job—150,000 people have been deprived, by their stalling, of a simple check to pay their rent, or to make a payment on their car.

I hope that Republicans around the country—and there are so many people of good will who are Republicans around the country, just like Democrats and Independents. I have a little bit of experience. When I came to the Senate, I didn't know how things worked. It has only gotten this way this Congress, to the degree that it has. When I came here, we had so many moderate Republican Senators who would work with us and we would work with them—Hatfield, Packwood, Danforth, Heinz from Pennsylvania, D'Amato from New York, and Senator Warner from Virginia was always somebody who would work with us. There were lots of different Senators. But I am sad to say we don't have that now. They are going to have to sell themselves to the country as the party of no. That is not the party I know in Nevada and around the country. Republicans are good, law-abiding people, who believe in good government. They have a political philosophy that is not in keeping with the Democrats, but that is OK. We work together on issues. I hope they will see the light and become the party of working with us. That is what they should be—not the Senate Grand Old Party, the party of no.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Ohio is recognized.

FLOOD MITIGATION EFFORTS

Mr. BROWN. Mr. President, last week I was in Findlay, OH, and toured

the banks of the Blanchard River with the Northwest Ohio Flood Mitigation Partnership, a nonprofit organization comprised of elected officials, business leaders, and community foundations.

Mayor Pete Sehnert, former mayor and current president of the Flood Mitigation Partnership Tony Iriti, and other community leaders briefed me on the flood mitigation efforts in the aftermath of one of the worst floods in northwest Ohio history.

Two years ago, a torrential downpour resulted in the massive flood of the Blanchard River and its tributaries, wreaking havoc in Findlay, Shelby, Bucyrus, and Ottawa in northwest Ohio.

Shortly after the flood, I traveled to the region with Governor Ted Strickland and officials from Homeland Security and FEMA.

While we saw the flood's devastation, we also saw the communities of northwest Ohio work together to clean up debris and rebuild the homes, schools, and businesses that suffered terrible damage.

Today the partnership is working to put into place a flood control plan in 3 years, when nationally similar plans have taken 5 years to develop. I saw that work in action last week in Findlay, where they advanced or accelerated their efforts much faster than almost any other community in the country has been able to do after natural disasters.

Implementing a plan so efficiently saves taxpayer money, while spurring economic development earlier and protecting community safety if another flood occurs. It is an example of how a bipartisan and a public-private effort among local, State and Federal governments, businesses, and community foundations is making a difference for Findlay and other communities across northwest Ohio.

In Findlay, we are establishing a national model in flood prevention planning. The Army Corps of Engineers and FEMA have worked closely with my office and Senator VOINOVICH, Congressmen BOB LATTA and JIM JORDAN, and other local officials. Corporations, community foundations, and county commissioners are working to develop flood control strategies to protect neighborhoods and businesses alike.

Local leaders are working to attract new businesses and create jobs once the cleanup is completed—and they have come a long way from my fairly regular visits to the community and seeing what happened, strengthening the economy's tax base to keep taxes lower in the future.

Working together, we have secured a \$1.5 million FEMA grant to continue recovery and flood mitigation efforts. This grant matches the \$1.5 million national emergency grant that Findlay was recently awarded.

NEG funding in northwest Ohio will help provide job training and increase opportunities for permanent employment for more than workers in the region. These workers earn good wages

and make up the crews that are removing blockages from rivers and waterways and reducing the risk of future flood damage. NEG funding also alleviates the burden faced by local governments with already stretched budgets.

While the public-private partnership is vital for the flood recovery efforts, we know there is much more work to do. It has been my honor to work with Governor Strickland, members of Ohio's congressional delegation, and community leaders in Findlay, Shelby, Bucyrus, and Ottawa to ensure that northwest Ohio has the resources needed to rebuild and protect their communities.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

JOBS POLICY

Mr. CORNYN. Mr. President, I was watching television this morning, and I was contemplating the challenge that confronts our country, this economy, and the American people when it comes to jobs, seeing that more and more people, unfortunately—even though the stock market appears to be coming back some and people's 401(k)s are perhaps no longer "201(k)s" or "101(k)s," but still unemployment continues to creep up and up. Even the administration estimates that unemployment will exceed 10 percent in the near future.

It occurred to me that there are a number of things that we are doing here in Congress that actually, rather than encouraging job creation or facilitating job creation, are job-killing policies.

Today I wish to concentrate on whether the proposed health care reforms we have seen out of the House and those that at some point will come out of the Senate when Senator REID's bill is revealed contribute to job-killing policies coming out of Washington or whether they are growth, progrowth, and job-incentivizing policies.

Yesterday we learned that 530,000 Americans filed for unemployment benefits for the first time, more than half a million Americans. So despite the fact that our economy grew in the third quarter, and the recession is over from a technical point of view, for more than half a million Americans this recession we are growing out of just got worse.

It reminds me of—I think it was Ronald Reagan who said a recession is when a neighbor loses their job; a depression is when you lose your job. The fact is that a lot of Americans are hurting with roughly 9.8 percent unemployment, with people unable to make their house payments, and the foreclosure problem continues unabated. In my State, we have not been immune from the recession, but I am glad to say our economy continues to outperform other States. Instead of the 9.8 percent unemployment, we are at 8.2 percent. I never thought I would be

bragging about 8.2 percent unemployment, but I am grateful it is not worse.

The relative success of Texas is due to our job-friendly business environment. This is an important lesson to which I think Washington ought to pay more attention: What kind of policies emanate from Washington, just like what kind of policies emanate from Austin, which encourage job creation and which policies destroy job creation.

One of the keys to our relative success is we have kept taxes relatively low. According to the Tax Foundation, 42 States have taxes higher than Texas. In other words, we are in the bottom 8 of all 50 States. We have kept our regulatory burden relatively light, meaning it does not cost businesses a lot of money to comply with redtape and a heavy regulatory burden. We are a right-to-work State, so people are not compelled to join a union in order to qualify for a job. We have adopted sensible legal tort reforms, which I think has created a predictable business environment and litigation environment. Rather than chasing people away from the litigation lottery, they are now encouraged to come, understanding what the rules of the road are and what is expected of them. That has helped.

In contrast, Washington is considering delivering several job-killing proposals. For example, our national debt is projected to grow by \$9 trillion over the next 10 years.

We don't know whether the higher energy costs we will face in the cap-and-trade bill that has been proposed will actually pass, but if they do, it is projected to add a lot of costs to small businesses, whether they are an agricultural producer just paying for diesel fuel or those businesses that have high electricity costs, such as Texas Instruments in Dallas, TX. They have one of the highest electricity costs in the State because of the nature of their manufacturing business. If cap and trade imposes additional costs on them, it is going to kill their ability to maintain their level of business and grow their business and create more jobs.

American employers don't know whether card check will become law. Of course, this is the bill that would deny the secret ballot for workers to decide whether to join a union, and we don't know whether a new era of global protectionism will reduce global trade and investment opportunities. My State of Texas loves free trade because we realize creating more markets globally for our goods and services creates more jobs in our State. Unfortunately, the message in Washington is confusing, to say the least, if not hostile, to free trade.

Yesterday we got to look at more job-killing policies coming out of Washington in the form of Speaker PELOSI's health care bill which, to her credit, was revealed to the public. It was posted on the Internet. I wish Senator REID would post his bill that he

sent over to the Congressional Budget Office on the Internet so we could take a good look at it, read it for ourselves, see how this impacts our constituents and our States, and so the American people can read it and see how it will affect them. Will it drive insurance up? Will it impose more taxes? Will it cut Medicare benefits, for example, if you are a Medicare Advantage beneficiary? I give Speaker PELOSI credit. At least she put her bill on the Internet.

What we have learned from this 1,900-page bill so far—and we are still scouring it to find out what its impact will be, both its intended impact and its unintended consequences. Initially, the Congressional Budget Office said the House bill, Speaker PELOSI's bill, will actually bend the cost curve up. It said:

On balance, during the decade following the 10-year budget window, the bill would increase both Federal outlays for health care and the Federal budgetary commitment to health care, relative to the amounts under current law.

I thought health care reform was supposed to bring costs down. We heard the President and all of us have spoken in terms of bending the cost curve. Nobody thought we would be bending the cost curve up. We thought we were unified in a bipartisan way determined to bring the costs down. But that is not what the Congressional Budget Office says the Pelosi bill does.

Then we learned that this much vaunted public option would actually cost more than private insurance plans. That is what the Congressional Budget Office said. They wrote:

A public plan paying negotiated rates would attract a broad network of providers but would typically have premiums that are somewhat higher than the average premiums for the private plans in the exchanges.

Here, again, I assume these are unintended consequences, those we ought to be very careful about avoiding.

Surely, the purpose was not to make the public option or a government-run plan more expensive than private insurance. But that is what the Congressional Budget Office believes the Pelosi bill would do.

The public plan would have lower administrative costs, to be sure, because it would be subsidized by the taxpayers but would probably engage in less management of utilization by its enrollees and attract a less healthy pool of enrollees.

Then when we look at job-killing provisions of these health care proposals, we have to look at the tax penalty on individuals who do not have insurance, the so-called mandate, the government directive that everybody buy insurance or pay a penalty. That would generate, according to the Congressional Budget Office, under the Pelosi bill, \$33 billion in new penalties and taxes.

Then there is perhaps the unkindest cut of all, and that is the so-called pay-or-play requirement for businesses which would tax employers, the very people we are looking to help us retain

and create jobs, an additional \$135 billion penalty.

It is important to remember this so-called pay-or-play mandate is essentially a tax on workers and take-home pay. Most of the increased costs of this new mandate on employers will simply be shifted to workers in the form of lower wages. Employers may also respond by cutting jobs, particularly for low-income workers, or deciding to outsource more jobs or relying more on part-time workers. You don't have to take my word for it. Let me cite Ezekiel Emanuel. That name may sound familiar because he is the brother of chief of staff Rahm Emanuel. He writes with Victor Fuchs in the *Journal of the American Medical Association*:

It is essential for Americans to understand that while it looks like they can have a free lunch—having someone else pay for health insurance—they cannot. The money comes from their own pockets.

Harvard professor Kate Baicker has said:

Workers who would lose their jobs are disproportionately likely to be high school dropouts, minority, and female. . . . Thus, among the uninsured, those with the least education face the highest risk of losing their jobs under employer mandates.

We also know there are members of the administration—the Cabinet—who are, I guess as every Cabinet does, cheerleading for the proposals of the administration which they serve. Certainly that is the case with Secretary Sebelius. The Secretary of Health and Human Services has made the claim on the agency Web site, among other places, that health care reform would be good for job creation. But I suggest that the report of Secretary Sebelius is riddled with errors and false assumptions.

Independent, nonpartisan studies have shown that these proposals will actually raise premiums on people who already have insurance. So when the President says: You can keep what you have if you like it—well, you are not going to be able to keep it at the same price. You are going to end up paying a lot more for it.

The Congressional Budget Office has found these “reforms” will also increase taxes on the middle class, as well as hurt jobs, as I have explained, and small businesses. Of course, in order to pay for it, the Senate Finance Committee bill—which I presume will be included in the Reid bill, but we have not seen it yet—will actually cut Medicare benefits for seniors in order to pay for it.

I suggest it is not helpful to the cause of health care reform to release flawed reports filled with false promises. I hope the Obama administration and all of our colleagues in the Senate will try to work together on a step-by-step approach to try to address the problems that make health insurance unaffordable and to cover people who currently are not covered.

I think the American people would be better served if Secretary Sebelius di-

rected her attention instead to addressing shortages and delays in the distribution of the H1N1 vaccine. In Texas, we were promised 3.4 million doses of vaccine by October, and we have been delivered about half of that, 1.7 million, even though the peak of the swine flu, H1N1 season is upon us in the next couple of weeks.

I am afraid it doesn't build a lot of confidence when this government-run health care plan or program delivers about 50 percent of what it promises. It is not a confidence builder.

Going back to the health care plans, let me just say that every independent analysis of the health care bills we have seen so far, whether they are Speaker PELOSI's bill or the one that came out of Senator DODD's committee or Senator BAUCUS's committee, have found that costs will actually increase, not go down, for small businesses.

The Pelosi health care bill released yesterday increases taxes on small businesses. Specifically, it imposes a 5.4 percent surtax on individuals with incomes over \$500,000 and families with income greater than \$1 million. One may say these are rich people; they can afford it. But half of the people who will be captured are small businesses that are not big corporations. They are individuals, they are sole proprietors, they are partnerships, they are subchapter S corporations where the principal employer receives their income as a flowthrough and paid on a personal income tax return.

These kinds of additional fees and taxes on small businesses and job creators have the opposite result of what I thought we were about, which is to encourage job creation and retention.

All told, just the surtax in the Pelosi bill would cause small businesses to face the highest marginal tax rate in 25 years. And, of course, it also imposes the pay-or-play mandate on employers that I talked about earlier.

Former Congressional Budget Office Director Peter Orszag, who now serves in the Cabinet at the Office of Management and Budget, has indicated a pay-or-play mandate will hurt workers' wages. He said:

The economic evidence is overwhelming, the theory is overwhelming, that when your firm pays for your health insurance you actually pay—

The worker—

through take-home pay. The firm is not giving it to you for free. Your other wages or what [you would have earned otherwise] are reduced as a result. I don't think most workers realize that.

I agree with him when he said that workers actually end up paying a higher cost. It is not absorbed by the employer, but it also ultimately results in reduced wages.

The Congressional Budget Office has said:

[I]f employers who did not offer insurance were required to pay a fee—

Here again talking about the pay-or-play mandate in the Pelosi bill and Senate bill—

employees' wages and other forms of compensation would generally decline by the amount of that fee from what they would otherwise have been—just as wages are generally lower (all else being equal) to offset employers' contributions toward health insurance.

Again, I end with the question that I asked earlier: Is what we are doing in Washington on health care or in a variety of other areas actually killing jobs rather than encouraging and facilitating jobs? I think, unfortunately, in the examples I mentioned, we are considering job-killing policies. The American people are worried about it. That is why they want to be able to read the bills.

I hope we will be able to read the Reid bill soon—the bill the majority leader has written behind closed doors—because the American people are entitled to see how it will impact them; whether they will pay higher premiums; whether they will pay more in taxes, even if they are middle-class workers; and whether, if they are a senior, their Medicare benefits are going to be cut, as I fear they will be.

The Gallup Poll says the American people are understanding the consequences of this debate well. It says Americans have become more likely to say the cost their family pays for health care will get worse, not better, if these proposals pass; 76 percent say their costs would get worse or not change, only 22 percent believe their costs would be reduced by these proposals.

I think this is another reason why we need to slow down, be careful, and let's read the bill. Let's show the bill to the American people, get input from our constituents so we don't engage in job-killing policies, either intentionally or inadvertently, at a time when we ought to be very gravely concerned about growing unemployment and more and more people losing their homes due to foreclosures. Certainly, we should not be doing anything which would make the matter worse rather than better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

HEALTH CARE REFORM

Mr. LEMIEUX. Mr. President, I rise to talk about issues very similar to those of my friend from Texas and echo his concerns about the current proposal for health care. We found out yesterday the proposal that was put forth by the Speaker of the House is nearly 2,000 pages. It is a \$1 trillion proposal. That is \$½ billion per page. It is sort of staggering to think about.

When I came to Washington, just a couple months ago, appointed by my Governor—Charlie Crist of Florida—it was my cause to come and be a problem solver, to help work on issues that both Republicans and Democrats could work on together. I learned from Gov. Charlie Crist that there are lots of issues we can disagree about principally, but there are plenty of issues

we can work on together and do things that are right for the people. That may not be in vogue in Washington, DC. It may not be in vogue to try to find issues—the low-hanging fruit—we can work on together to solve problems, but it is something I wish to pursue.

Additionally, when I came to Washington, I recognized—and I spoke about this last week in my first address in this August body—there are lots of times most folks in Congress would like to discuss grand new plans, grand new ideas for the future of this country. That is exciting to talk about—a new program or a new administration, more government employees working on a new program, perhaps, in some new government building. But I don't have a passion necessarily for following up on those great ideas for future plans. I have a passion for helping us do better what we already do. Oftentimes, in government, that is not the case. We spend billions, trillions of dollars a year on existing government programs, but many times we don't do it effectively and efficiently. If we spent as much time caring about the money we are spending now, as opposed to the money some in this Chamber want to spend, I suspect we could find plenty of money to either return to the people or to find money for these new programs.

Today, I wish to talk about just such an idea, an idea to recover some of the waste, fraud, and abuse that is currently happening in our system of government. We know in our current provision of health care—in Medicare and Medicaid—there is tremendous waste, fraud, and abuse. Estimates are that some \$60 billion to a staggering \$226 billion a year to waste, fraud, and abuse.

This health care proposal that was put forth by Speaker PELOSI and that we are discussing in the Senate, just for comparison purposes, is \$1 trillion over 10 years. I think anybody who has watched the government knows that if you estimate something is going to cost \$1 trillion, it is going to be a whole lot more than that when it actually gets implemented because we don't do much in government that comes in under our estimates. Most times, almost every time, it is a lot more than is estimated. But let us compare these numbers, \$1 trillion over 10 years. That is about \$100 billion a year. We may be wasting \$226 billion a year.

If we captured just half of that, we might be able to pay for this program. Better still, we could take those dollars we are wasting in fraud and abuse and we could put them back into the Medicare Program to pay for health care for seniors. Wouldn't that be a good idea? Because the estimates tell us that in 8 years we are going to be in a situation in Medicare where we are going to be in a deficit. We are going to be taking in less money than we need to spend. Workers will be paying in less than retirees need for their health care. We will have to, as the Federal

Government, shore up Medicare certainly at that point. So why don't we concentrate now, while we can, on an issue Democrats and Republicans can agree upon, which is trying to stop waste, fraud, and abuse.

Yesterday, I had the honor of filing my first bill in the Senate—S. 2128—and I wish to talk to the Senate and the American people about that bill. S. 2128 is the Prevent Health Care Fraud Act of 2009. What this bill simply will do is try to go after the waste in the health care system the government currently runs. It is estimated that \$1 out of every \$7 we spend on health care for seniors is captured by criminals or is wasted and is not going to help seniors—\$1 out of every \$7. That is where we get to that number of potentially \$226 billion a year.

I have a lot of experience in this. Before coming to the Senate, I had an opportunity to serve as the deputy attorney general in Florida and to run—under then-attorney general Charlie Crist—an office of about 400 lawyers. Within that office, we had a Medicaid fraud control unit where we focused on fraud in Medicaid. We were able to recover \$100 million a year—just in Florida—by stepping up enforcement actions to capture bad guys who were taking dollars out of the system. What I wish to try to do with this new act, in S. 2128—the Prevent Health Care Fraud Act of 2009—is not just go after these bad guys once we have figured out they have taken the money but to prevent them from getting the money in the first place.

The American people would be shocked to know how little we do to prevent health care fraud. You might expect, sitting at home in Orlando or wherever you are in the country listening to this address today, that we have a very comprehensive system to stop health care fraud; that if the government is spending billions of dollars, trillions of dollars over time on health care, that we would have hundreds and thousands of people who would be working to stop health care fraud; that we would have sophisticated computer models that stopped health care fraud before it happened. That is simply not true.

I introduced this bill yesterday, and I am speaking about it today, to help try to stop this fraud before it starts. My goal is to be a problem solver in Washington, to work on issues everybody can agree upon. Let me tell you about what S. 2128 does. It does three things, basically. We are going to create, within the Department of Health and Human Services, a Deputy Secretary who will be the chief health care fraud prevention officer of the United States. That individual will be in a No. 2 role in that agency. That person will report directly to the Secretary and will be nominated by the President of the United States. That Deputy Secretary will not have seven different jobs. He or she will have one job—to prevent health care fraud. If that Deputy Sec-

retary does not do his or her job, they will come to the Senate and the House of Representatives and be called on the carpet. This chief health care fraud prevention officer of the United States is going to run a division that is going to work every day to stop this health care fraud before it starts.

How are they going to do it? Oftentimes, the private sector gives us a model that we can use and we can copy in the government to help us prevent health care fraud or anything we do in government, to do it more efficiently and more effectively. So what model is out there to prevent fraud that is being used every day and that affects all our lives, that stops fraud before it starts? That model is the credit card business, a business that is roughly the same size as the health care business.

A couple of trillion dollars a year passes through the exchange of credit cards for the purchase of goods and services. The health care industry is a multitrillion-dollar-a-year industry as well. The level of fraud in the health care industry is \$1 out of every \$7. The incidence of fraud in the credit card industry is 7 cents for every \$100—\$1 out of every \$7 versus 7 cents for every \$100. How do they do it? Well, we all have had this experience. You use your credit card to purchase something and then a couple minutes later you get a phone call or e-mail which asks: Did you authorize the purchase that just happened with your credit card?

This just happened to me a week ago. I went to buy a television, in Washington, DC, at Best Buy. I have my family here so they can be close to me during my time in the Senate, and we have to have a television. So I go to Best Buy and use my credit card. I walk out the door and my BlackBerry vibrates. There is an e-mail from my credit card company asking: Did you authorize the purchase of a television at Best Buy? Why did that happen? They have a computer modeling predictive system that says this is a questionable transaction. George lives in Tallahassee, FL; someone is using his credit card to buy a television—which is something that is probably bought a lot of times on a stolen credit card—something is up. The computer—no person does this, this has been programmed—goes into action and I get an e-mail. That transaction is not authorized for payment until I call my credit card company and tell them, yes, I actually authorized that purchase.

Why can't we do the same thing the credit card companies are doing for health care? Why can't we use a predictive modeling system that says a health care claim is not going to be paid when a red flag comes up? Right now we are on a pay-and-chase system. We pay these people who provide health care, allegedly—many of whom are not providing health care because a good portion of them are criminals, frankly—and then we try to go after them to enforce the law, and we barely

ever capture the money back. We capture some but not near enough. If we put this model in place, it stops the fraud before it happens.

S. 2128—the Prevent Health Care Fraud Act of 2009—would put this predictive modeling system in. The Federal Government would have to go out and hire folks to do it. We would have a competitively bid process. It is no different than what we do in other parts of the government. In the Defense Department, we go through a bunch of checks before there is an acquisition for the Defense Department. Why can't we put this predictive modeling system over in health care to use real-time data to stop these fraudulent transactions before they happen?

According to Harvard University Professor Malcom Sparrow, the credit card industry establishes benchmarks for acceptable business risk and their threshold is one-tenth of 1 percent. By contrast, fraud losses in the health care business run from 3 to 14 percent. That is 100 times the acceptable business risk.

Another thing this bill does is it requires background checks for all health care providers. If you are supposedly providing health care, whether you are providing a wheelchair or a doctor providing actual health care services—someone who is a physician's assistant or whoever it may be—if those folks are being reimbursed by the Federal Government, getting paid for the health care they are providing, they should not be criminals. You might think that right now we are doing background checks on all these health care providers, but we are not.

I know this, specifically, because Florida, unfortunately, is ground zero for health care fraud. We have tremendous problems in Florida, especially the southeast part of Florida, where I am from—Fort Lauderdale, Miami-Dade County—with health care fraud.

Let me cite some examples.

Mr. President, "60 Minutes," last week, aired a special on this. They talked about the rampant fraud in south Florida. One of the perpetrators was responsible for \$20 million of health care fraud alone, and he said: We get a Medicare book of codes and our bidder tells us which ones to use and we run the codes. So they get one wheelchair and they sell it a thousand times and get reimbursed a thousand times for it. There is no computer modeling system that puts the red flag up, such as there would be on your credit card, that says: Stop that; wait a minute; after the third wheelchair is sold in 60 seconds, maybe we should not pay this guy's claim.

It has gotten so easy to steal money from the Federal Government that organized crime has gotten involved. There have been stories of a Russian-Armenian organized crime ring that defrauded Medicare by \$20 million, and they said it was easier than trying to be involved in the illicit drug business because there was no one going after them.

I wish to take a moment to applaud my colleague from Delaware, Senator KAUFMAN, who just introduced some legislation called the Health Care Fraud Enforcement Act of 2009 to increase the penalties for health care fraud.

I think that is great. We should be doing that. But in combination with that, we should do what we propose in S. 2128, which is to stop the fraud before it happens. These instances of fraud across the country are rampant.

I will give you another example. South Florida is home to 8 percent of the Nation's AIDS patients, but 72 percent of Federal AIDS medication payments are paid in South Florida. That is 72 percent, when we only have 8 percent of the patients. Why is this happening? These medications for AIDS are extremely expensive. Some bad guy runs the code all day and says: I have given this many injections of AIDS medication at \$2,500 a pop; runs 1,000 codes and we pay them. We pay them.

It makes no sense to me. So we have had big disagreements about how we are going to solve health care, how we are going to provide more affordable health care to our people in this country, how we are going to provide more access to health care.

But we certainly can agree we should run whatever program we have efficiently and effectively. We can certainly agree we should not have waste, fraud, and abuse. If we can reduce the \$60 billion to more than \$200 billion in fraud a year by simply putting somebody in charge of health care fraud prevention, put predictive modeling in such as we have in the credit card industry, and not let people be health care providers unless they have a background check and, if they are a criminal, not let them provide health care, we can save billions of dollars.

Those dollars can go back into Medicare, which is running at deficits. As I said when I opened my remarks today, it is very much in vogue in Washington to propose brandnew plans. I understand that. But we need to be focused and have as much zeal about brandnew plans as running the programs we have efficiently and effectively.

I hope my colleagues will join me in supporting this piece of legislation, S. 2128, the Prevent Health Care Fraud Act of 2009.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAILURE IN THE JUSTICE SYSTEM

Mr. SESSIONS. Mr. President, I rise to discuss a serious failure in our jus-

tice system, something we are going to need to talk and think about. It has been talked about before, but the matter drives home the issue in a specific way.

Ali Saleh Kahliah al-Marri—al-Marri, as he is now usually referred to—is a terrorist who entered the country under the instructions of 9/11 mastermind Khalid Shaikh Mohammed. While here, he researched hazardous chemicals and his potential targets included dams and reservoirs. He was apprehended in 2001. In 2003, he was held as an enemy combatant under the orders of the Bush administration. He was seen at that time as an individual at war with the United States since he was associated with al-Qaida and al-Qaida had declared war on the United States.

The Nation made a firm decision that these kinds of cases should not be handled in the normal course of prosecutions of crimes but should be treated under the historic and well-established rules of war for these individuals.

The Obama administration has moved him into a civilian justice system and decided they would try him for this offense as a crime. He ended up pleading guilty, which seemed dubious as a plea by the Department of Justice, but they chose to allow him to plead guilty to the charge of conspiring to support terrorists. He was sentenced yesterday. How much time will this terrorist be spending in jail? How long before he is released and then could reassume his mission of waging jihad against America? Five years. That is right, 5 years. The judge in Peoria, IL, sentenced him to only 8 years and gave him credit for time served in military prisons, apparently, and he is expected to be released in 5 years. This is an outrage. Our brave soldiers and intelligence agents risk their lives every day to find and capture these terrorists.

I received a phone call from a friend I have known for a number of years whose son is in Iraq now as a marine. He wants to talk about what we are doing there. We have American soldiers, some of the finest people this country has ever produced, at risk at this moment fighting against these kinds of terrorists who are committed to attacking us. In recent days, we have seen plot after plot, fortunately being frustrated by good investigative agents. We have investigators and our military out there at risk today. We capture terrorists. What do we do? Do we put them in jail a few years and then let them go?

Not only did the Justice Department pursue a lesser charge against al-Marri, but the judge only sentenced him to 8 of the possible 15 years he could have served on that charge.

Without doubt, as a former Federal prosecutor—and the Presiding Officer is a former U.S. attorney—there are real procedures every American is provided under our legal system for trials in Federal courts. We are proud of

those, and we adhere to them. But there is a danger of trying people who are at war with us, who want to destroy us and the government this Nation possesses, in civilian courts. They are not common criminals; they are members of global terror networks, bent on waging war against America, its allies, and our vital interests. Yet the administration has announced plans to begin trying more and more terrorists and enemy combatants through our normal Federal criminal justice system.

Our court system was never designed to prosecute terrorists and enemy combatants and soldiers attacking this country. Such trials turn the courthouse and the jury system into targets. They rely on evidence that may not be admissible, evidence seized by the military in defending the country. That evidence may not be admissible in court under our normal rules of evidence. They risk bringing confidential information to public light, including the identity of informants or even undercover agents. And it means, ultimately, that more terrorists bent on taking innocent American lives will be released to return to the battlefield—abroad or right here in cities and towns across America. I ask, is this a risk we can afford? Is it a risk we are required to take under our laws and Constitution?

The proper setting for these prosecutions is military commissions, military tribunals. These terrorists are the most violent and dangerous killers in the world. They are not criminals; they are on an unswerving mission to spill American blood. I wish it were not so. Overwhelmingly, the Muslim community does not believe in this kind of activity. It is only a small group, but it is a very effective group because they have learned how to utilize modern capabilities, such as airplanes and poisons and explosives, to wreak untold damage, especially when they are prepared to martyr themselves.

We need to use all lawful resources at our disposal to combat and dismantle this threat. We cannot and we must not allow more enemy combatants like Ali Kahlah to use our justice system against us. We cannot and we must not be naive and think our good will and kindness will shield us from these kinds of forces, this kind of evil in the world. We cannot and we must not forget the danger we face or the imperative to use every last resource at our disposal to keep this country, its liberties, and its people safe.

There was an article in the Washington Post of today that raises an important issue about sentencing. It quotes Kirk Lippold, the commander of the USS *Cole*, where 17 of our sailors were murdered by an Islamic attack in the Persian Gulf in Yemen in the harbor in the year 2000. This is what he said about the verdict: The sentence was “appalling” and “grossly inadequate.” He said that if prosecutors move other defendants from the mili-

tary prison at Guantanamo Bay, Cuba, for trials in regular U.S. Federal courts, it could “create an era of unacceptable compromise to our national security.”

I have a vivid memory from several years ago, maybe 5 or 6, 7 years ago, of being at the commissioning of the *Ronald Reagan* aircraft carrier at Newport News as a member of the Armed Services Committee, walking out of that ceremony, not too long after the *Cole* was attacked and those sailors killed. And a sailor screamed out—and the hair still stands on my neck when I think about it—“Remember the *Cole*.”

The United States has a responsibility to defend our men and women abroad. U.S. warships ought to be able to move in peaceful commerce around the world and not be subject to attack. When they are attacked, it is the responsibility of this Nation to act against it. Commander Lippold has expressed some concern in times past about how that has been handled.

They also quote Robert Chesney, a law professor at the University of Texas at Austin who studies sentencing in terrorism cases. He said that the Marri sentence “probably comes with the territory in switching somebody out of military detention and into the criminal justice system.” It comes with the territory. That is exactly right. That is what a number of us have been saying for some time, why this is not a wise policy.

The article goes on to say:

The case is one of the few concrete examples, Chesney said, of the ongoing debate over whether the U.S. criminal justice system is “up to the task” of trying and convicting terrorist suspects.

I absolutely agree with that. It is not equipped to do it. The American criminal justice system assumes that a person commits some sort of crime. They give a certain sentence, and there is a reasonable prospect that they won't commit crimes again. But when we are dealing with people who are committed to martyrdom, if we are dealing with a person who has made a lifetime oath to fight to the death to destroy Americans and who has the capability to kill not only one person in some sort of assault or fight but thousands of Americans and who is at war with the United States, we need to utilize the great and historic principles of military commissions to try them as we always have. We didn't try German prisoners of war in Federal courts. We didn't try Japanese or North Vietnamese or North Koreans in Federal court when they were captured. They were treated as they were, as prisoners of war, and detained as long as they represented a threat to the United States. That is the way this should be. Military commissions are referred to in the Constitution.

In World War II, in the famous case of *Ex parte Quirin*—Franklin Roosevelt was President—a submarine appeared off the Atlantic Coast, and a group of people got out who were saboteurs. They were sent by Nazi Germany to

blow up places in the United States, kill Americans, and sabotage our war efforts.

That was a serious matter. They were caught. Were they tried as common criminals? No, they were not. How were they tried? They were tried by a military commission. They were tried under the laws of war that have been longstanding for quite a number of years. They were convicted within a matter of a few months, and they were executed because they were clearly in violation of the laws of warfare. They were not normal prisoners of war acting in uniform. They were acting contrary to the Geneva Conventions, contrary to the rules of warfare. They were acting in a way—they did not wear uniforms. They did not go openly about. They were targeting innocent civilians. So they violated the rules of war. They were tried and executed. The Supreme Court upheld that. This is what other nations do also. They do not try people with whom they are at war in civilian courts.

I am worried about this. I do not think it is a little bitty matter. I do not think this is the first time we are going to see this or the only time we are going to see it. I think we are going to see it more and more often. I call it to the attention of my colleagues.

One other thing I think we should point out: that unclassified declaration by Jeffrey N. Rapp, the Director of the Joint Intelligence Task Force for Combating Terrorism. This is what he said about this matter:

Multiple intelligence sources confirm that Al-Marri is an al Qaeda “sleeper” agent sent to the United States for the purpose of engaging in and facilitating terrorist activities subsequent to September 11, 2001, and exploring ways to hack into the computer systems of U.S. banks and otherwise disrupt the U.S. financial system. Prior to arriving in the United States on September 10, 2001—

Not the 11th: September 10, 2001—

Al-Marri was trained at an al-Qaida terror camp. He met personally with Osama bin Laden and other known al Qaeda members and volunteered for a martyr mission or to do anything else that al Qaeda requested. Al-Marri was assisted in his al Qaeda assignment to the United States by known al Qaeda members and traveled to the United States with money provided for him by al Qaeda. Al-Marri currently possesses information of high intelligence value, including information about personnel and activities of al Qaeda.

He goes on to say:

Al-Marri was trained by al Qaeda in the use of poisons. In the hard drive of Al-Marri's laptop, FBI agents discovered a folder entitled “chem,” which contained bookmarked Internet sites of industrial chemical distributors. Analysis revealed that Al-Marri had visited a number of sites related to the manufacture, use and procurement of hydrogen cyanide.

So I do not think this is an itty-bitty matter. We have normal drug dealers going to jail every day for 10, 12, 15 years. We have somebody who is plotting to kill American citizens, who came here the day before 9/11, is part of an al-Qaida plot—and he gets 5 years? I

think it is unacceptable, and it is also an indication to us in Congress we cannot proceed further with this idea that we are going to try terrorists in Federal criminal courts.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

THE ECONOMY

Mr. DORGAN. Mr. President, there is a lot going on in public policy in Washington, DC. However, today is Friday and the Senate is not voting, so there is not much happening on the Senate floor. But there remains a lot of work to do between now and the end of this year to try to put this country back on track and fix a number of things that are wrong.

If the coming weeks are like recent weeks, we will have very little cooperation in this Chamber, which is regrettable. You would think if ever there is a time for cooperation, it is when the country is in a very deep economic hole. This country saw, a year ago, its economy fall off a cliff. Unbelievable unemployment: Over 7.5 million Americans have lost their jobs, lost their homes, lost hope. This has been the deepest economic recession since the Great Depression in the 1930s.

I understand everybody can take and look at this and see things differently. Our colleague Senator BYRD used to tell about the caterpillar that would climb up on a clump of grass and look around and say: I see the world. And then a squirrel would alight on the same identical spot and say, after gazing around: I see the world. And an eagle, flying over the identical spot, taking a look, would say: I see the world. They all were in the same spot but all had a very different view—the caterpillar, the squirrel, and the eagle. Senator BYRD's point was, you can have a different view depending on exactly how you see things, and I understand that.

I have great respect for my colleagues who have different views. I would only say this: that when the country is in trouble, it seems to me there ought not to be two teams. There ought to be one team; that is, our team working to try to figure out: How do we get out of this? How do we restart the economic engine, get America moving again, and put people back to work again?

There is no social program in this Congress that we work on or that we create, no social program that is as important as a good job that pays well. That is what allows everyone to be able to make a living and take care of their families, and so on. So the question for us is, What is the agenda? We are where we find ourselves. So what is the agenda from here forward?

The President has described the agenda of saying that, obviously, the economy is very important, health care is very important, and energy and climate change are also very important.

That represents the agenda. My colleague Senator REID, the majority leader, is trying to move legislation that includes other things, including the appropriations bills that we are required to move. We have not gotten a bit of cooperation on anything, not even the noncontroversial issues do we get cooperation on. In each case, we are required to file cloture, wait 2 days for it to ripen, then have a vote, and then wait 30 hours postcloture while they object to anything else happening on the floor. So we are in a situation where there is no cooperation on anything, which I think is pretty remarkable and pretty disappointing. The majority leader is trying very hard in those circumstances to still move things and get things done.

My own view of the priorities is pretty simple. I think health care is important, and I think energy and climate change are important. In my judgment, both rank behind the issue of the economy and trying to restart the economic engine and putting people back to work. I think that is the most important priority for the Congress and the country. It makes everything else possible, and without it very little is possible. You cannot have millions of people out of work without understanding it is a priority to find a way to expand the economy and put them back on payroll. Last month, 263,000 Americans lost their jobs. Think of each case of someone coming home from work saying to their spouse or to a loved one or to a family member: I have lost my job today. No, it is not because I am a bad worker. It is not because I did not do a good job. I had sterling references and sterling performance appraisals. They just decided my job was going to be gone.

Yesterday, by the way—after last month, 263,000 people coming home to say: I have lost my job; and that adds up now to 7.5 million Americans who are unemployed—yesterday, we discovered that the economy grew by 3.5 percent in the third quarter. Well, that is good news. But it is news that is tempered with the understanding that we do not have just one economy, we have a couple of economies. We have an economy in which some are doing very well, with very high incomes, very large bonuses, and significant profits, mostly on Wall Street. I will talk about that in a moment. And then others are still struggling to figure out: Where can I find a job? How on Earth can I get back on a payroll to begin to provide for myself and my family?

Even as that was happening, I was on an airplane last week, and I sat next to a man, and I said: Where are you headed?

He said: Well, I am going to Thailand and Singapore and China.

I said: What are you going to do there?

He said: My company buys products from suppliers and we are trying to move our network of suppliers to Singapore and Thailand and China so

we can dramatically reduce the cost of products we buy.

I said: But that is moving those American jobs overseas, isn't it?

He said: Yeah. It is not something I like to do. It is something I think our company has to do. We decided we have to buy cheaper products, so we are going to look for the China price.

He was going to be gone 2 weeks. I assume by now he has been in Thailand and Singapore and China, arranging to have those who are now employed in this country have their jobs be shipped to another country where they pay a fraction of the wages. Maybe those workers don't know it yet. I assume they do not. But they probably will in a few weeks. That is part of the story, as well of what is happening in this economy.

As I said, I think health care is very important. It is 17 percent of this economy. I think it is important for us to try to figure out: What do you do about health care? How can you put the brakes on circumstances where health care—which, by the way, is not just some option, some luxury, but a necessity for most Americans—how can you put the brakes on a health care system that says to most American families, when they open the mail and find the bill by the insurance company: Oh, by the way, the coverage you have is now going to cost 10 percent more or 12 percent more or 18 percent more—year after year after year—and people say: Well, I can't afford that. I can't afford that coverage. How do you put the brakes on those kinds of cost increases? How do you expand coverage so more people can afford health care coverage?

There are a lot of priorities. But I have been at odds with the President and others, believing that the first priority—by far, the first priority—and the first exclusive priority ought to be to find a way to restart this economic engine. We have to get that done. I am not saying health care should not be done. I am saying, in my judgment, the ability to restart this economic engine and put people back on payrolls trumps everything else.

I want to talk about the issue of two economies because some people will say: Well, that has already started. I give the President credit. The fact is, he has proposed a series of things that have pumped some life into this economy. Without it, we probably would not see the kind of opportunities that are going to come from the bottoming out of the economy and then the beginning to rebuild opportunity. I give the President credit for that. But we have a long way to go.

We have two economies. One economy is doing very well, and one not so well. Let me describe the one that is not doing so well in the words of Will Rogers. Will Rogers, a long time ago, said:

The unemployed here ain't eating regular, but we'll get around to them as soon as everybody else gets fixed up OK.

It sounds just like Will Rogers, doesn't it: The unemployed ain't eating so well, but we'll get around to them as soon as everybody else gets fixed up OK.

The question is, What about all those folks who "ain't eating so well" in Will Rogers' description?

Let me describe why, in my judgment, the economy is, by far, the most urgent priority. As shown on this chart, here is the rise in unemployment and underemployment from 2007 to 2009. We all know it. It has gone up, up, and up. And behind those statistics are unbelievable stories of pain. Not everybody is experiencing this.

Here is a September 11, 2009, Steven Pearlstein column in the Washington Post:

It's been a year since the onset of a financial crisis that wiped out \$15 trillion of wealth from the balance sheet of American households, and more than two years since serious cracks in the financial system became apparent. Yet while the system has been stabilized and the worst of the crisis has passed, little has been done to keep another meltdown from happening.

Business as usual on Wall Street.

"A Year After Lehman, Wall Street's Acting Like Wall Street Again." That is the title of an article in the Washington Post, dated September 8, 2009.

It's been 12 months since Lehman Brothers failed, setting off a chain reaction that came horrifyingly close to destroying the world's financial system. . . .

Even though some once-iconic names have vanished and others are shadows of their former selves, Wall Street hasn't changed all that much. It still operates on the principle of taking care of itself first, really big and important customers second, everyone else last.

That is an article by Allan Sloan.

Two economies: The folks who are still losing jobs; and then:

Bailout helps fuel a new era of Wall Street wealth. Many of the steps policymakers took last year to stabilize the financial system, reducing interest rates to near zero, bolstering big banks with taxpayer money has helped set the stage for this new era of Wall Street wealth.

To continue this discussion, the New York Times, Graham Bowley:

Even as the economy continues to struggle, much of Wall Street is minting money and looking forward to hefty bonuses.

Los Angeles Times, September 14:

The Financial Meltdown: Crisis has not altered Wall Street.

Bellwether firms led by Goldman Sachs Group are churning out mouth-watering profits. Risk-taking and aggressive securities trading are mounting a comeback. And compensation—the lifeblood of Wall Street—is pushing back toward pre-crisis levels.

Certainly the greed on Wall Street has not changed and will never change, said Richard Bove, an analyst at Rochdale Securities.

The key part is "risk-taking and aggressive securities trading are mounting a comeback"—the very things that put this economy in the ditch.

Why do I go through all of this? I do it for this reason. The Federal Reserve Board had a strategy. They committed trillions of dollars in taxpayer funds to try to prevent the economy from fall-

ing into an abyss. I am not here to criticize them for that. They did what they believed they had to do in order to provide some foundation for this economy.

Now, Ben Bernanke, the Chairman of the Fed, testifying before the Congress, a joint House-Senate hearing said:

Transparency is a big issue.

Transparency is a big issue for the Fed.

So the Federal Reserve Board decided for the first time in its history to allow direct lending to investment banks. The Federal Reserve said investment banks could get direct loans, and they did. Now we see—for example, two companies that got TARP funds—troubled asset relief program funds—and undoubtedly went to the Fed for loans and now, by the way, are paying, I think, a total of about 50 people an average of \$18 million each in bonuses.

Let me say that again: Companies that got TARP funds very likely went to the Fed, to the Fed window, to get direct loans and are now paying about 50 people an average of \$18 million apiece.

So when one of them comes home and the spouse says: Honey, how much money are we making? The spouse says: \$1½ million a month—\$1½ million a month. Pretty unbelievable, isn't it? Anybody here make that, do you think? I don't think so. They are making \$1½ million a month. These are the companies that got themselves in deep trouble, needed a bailout by the American people, and needed direct lending by the Federal Reserve Board.

So now the question is, Should we have a right to see who the Fed gave money to? Well, some folks took the Federal Reserve Board to court, and here is the Bloomberg Report:

The Fed last year began extending credit directly to companies that aren't banks for the first time since it was created in 1913 and it has refused to divulge details about the companies participating in those 10 lending programs.

All right. Some folks took them to court:

Court orders Fed to disclose emergency bank loans.

The point is, the American people were at risk. The American people, through the Congress, created the Federal Reserve Board. The Chairman of the Federal Reserve Board said transparency is a big issue. All right. Be transparent. Tell us, where did you put the money? Who got the money? How much? At what rates? What were the concessional rates?

The court says:

The Federal Reserve must for the first time identify the companies in its emergency lending programs after losing a Freedom of Information Act lawsuit. The judge said the central bank improperly withheld agency records.

Well, the problem is, the order was then appealed and a judge stayed the order. So at this point, we don't know the answer. So I and 9 of my colleagues wrote a letter to the Chairman of the

Federal Reserve Board to say: You know what. The American people deserve to understand, who did you give money to? What were the rates? What were the terms? We deserve to know that.

We sent a long letter to him. We got a letter back from the Chairman of the Federal Reserve Board, and he says: I don't intend to do that. That would compromise some firms. Oh, really? It will compromise companies if they tell us who they gave loans to for the first time in the history of the Federal Reserve Board? How about compromising the right of the American people and the right of the Congress to understand what they did.

The reason it is important is this: Are 50 people getting \$18 million each, \$1½ million a month, because they got concessional loans at the Fed? Is that how they are given these funds? Is that why? I don't know. Is it taxpayers' money? I don't know. We have a right to know, in my judgment. I think it is an outrage that we and the American people are having to demand from the Federal Reserve Board to turn over information when the Chairman of the Fed himself said transparency is important.

So here we are every day reading about these unbelievable bonuses on Wall Street, every day reading about it, and in many cases from companies that steered this country into a ditch with credit default swaps, subprime loans, you name it, securitizing everything with unbelievable wagering, and trading derivatives for their own proprietary accounts in FDIC-insured banks.

I wrote about that 15 years ago. The cover story of the Washington Monthly magazine was my cover story, and it was titled "Very Risky Business." Derivatives were only \$16 trillion then in the United States. But I said then, 15 years ago: You can't allow FDIC-insured banks to trade on their own accounts for derivatives. You might just as well put a Keno table in the lobby of the bank. If you want to gamble, go to Las Vegas, I wrote.

It is not a surprise that we saw this unbelievable, spectacular crash that hurt a lot of people but now appears not to have hurt those who engineered it in the first place because they are making record profits.

My point is pretty simple. It is that we have a right to know, and the Federal Reserve Board has a responsibility to tell us, what the facts are. The American people are plenty upset and have a reason to be upset about the two economies they see, one in which people are doing very well, making \$1½ million a month in bonuses, and then others in which people are continuing to be told: Your job is gone. We are sorry. This economy isn't working quite right, so your job is gone.

Well, in my judgment, our first and most important responsibility, all of us, is to try to get this economic engine restarted and running well. This

President is trying very hard. My colleague, the majority leader, is doing everything he can. We need some cooperation to help make that happen. But I hope all of us are committed to understanding that we are on one team, and that team ought to have an identical goal; that is, to begin to restore our economic health, and even as we do that, to do financial reform that will make sure this can't happen again.

That is also coming in a while and is pretty controversial. I have some significant differences with some who are writing these things. I think the issue of too big to fail ought to be gone and done. We ought not have institutions that are too big to fail. If they are too big to fail, that is no-fault capitalism, and I am not in favor of no-fault capitalism.

I wish to mention that I have just talked about the two economies and what I think is the priority. I have had great angst. I have talked to a lot of folks who are probably tired of hearing from me to say: You know what. Health care is important, yes; but it doesn't rank No. 1 with me. Getting this engine started ranks No. 1 with me. Getting people back on payrolls, putting people back to work, getting jobs created, finding out how do you—especially with small- and medium-sized businesses who, by the way, can't get loans. Too many of them today are failing because they can't get credit anywhere.

The biggest economic institutions are out there buying and selling and trading and effectively gambling on their own proprietary accounts while not enough money is going out with respect to lending to small- and medium-sized businesses. Isn't it interesting that the Federal Reserve Board was a big old sponge to say: Come to us; we will now do direct lending to the biggest financial firms. How about opening that window to small businesses and medium businesses so they can go directly to the Fed? They will not do that. I suppose you can't do that. But why not? If you are doing it for the biggest, how about doing it for the folks on Main Street who are struggling, trying to get through this recession. That is what I mean by two economies.

HEALTH CARE REFORM

Now, because we are on health care—we are going to have health care on the floor of the Senate very soon—I wish to make a couple of comments about it and then complete my statement. This is about priorities. Yes, health care is a priority. It doesn't rank above the economy for me but, nonetheless, it is coming to the floor.

The President said: I campaigned on it. It is important. We need to address health care.

I don't disagree. The question is, Are we going to sit around and just decide whatever happens, happens on health care? That seems to be the policy of a good number of my colleagues on the other side, to just say no to everything. If that is the case, what do we do when

the next 10 percent increase in your insurance bill or the next 12 percent increase drives that business out of business because they can't afford to pay it or says to that family: Here is the bill, and I know you can't afford to pay it, so tough luck. You are without health insurance.

I met a woman a while back that 10 years ago had \$600,000 in the bank, she told me. She owned a home, she had a job, and she had health insurance. She had pretty decent equity in her home. It is 10 years later. She is a quadriplegic, she has had unbelievable expenses with a health condition that has continued to deteriorate in a dramatic way. She needs an unbelievable amount of care. It is all gone. Her job, the \$600,000 saved for retirement, the equity in her home, it is all gone.

By the way, yes; she was insured. But insurance policies in most cases have a cap, and most people don't know that, a lifetime cap. That means a good many people are one serious illness away from bankruptcy. So what do we do? Do we say to that woman: You know what. That is just tough luck. You live in this country and those are the rules. Or do you pass some legislation that maybe changes the rules a bit?

I have been trying now for I think 3 years to eliminate lifetime caps on insurance policies. The impact of it is very small nationally but can be critical individually to someone who is hit with a devastating disease. Nearly one-half of the bankruptcies in this country are a result of health care costs. Think of that. We are one of the few countries left to say: If you get sick, if something awful happens to you or a member of your family, you might well have to file for bankruptcy. Tough luck. It doesn't happen in many other countries.

Well, the question for me at the end of the day on health care—and I am one of those who hasn't signed up to anything. We have had five committees, I think, work on it. I have not been part of a Gang of Six. I have not been part of the Finance Committee or the HELP Committee, so I am a gang of one. Probably, we are going to have maybe 60 or 70 gangs of one who have never had a chance to offer suggestions or amendments on health care. To me, at the end of the day, if whatever is done on the floor of the Senate doesn't effectively and really—I am talking about really—find a way to put the brakes on health care costs, we will have wasted a lot of time and not passed legislation because that is not something I am particularly interested in supporting.

If we are not going to put the brakes on these dramatic cost increases, this is, in my judgment, a wasted exercise. We have to try to see if we can control costs and expand coverage. Even as we do that, there are some other things that are important to me. None of these pieces of legislation deal with the issue of prescription drugs. One of the

fastest rising costs of health care is the cost of prescription drugs. I have often used this description which describes it better than I can, and I will ask unanimous consent to show these bottles I have in my desk.

This is Lipitor. It is made in Ireland. In Ireland they make Lipitor, the best-selling cholesterol medicine, I think, in this country, to control cholesterol. The same pill, put in the same bottle, made in the same plant, FDA-approved, by the U.S. Food and Drug Administration, the difference is the price. They put it in this bottle and ship it to Canada, and you pay \$1.83 per capsule. In this bottle, to the U.S. consumer, it is \$4.40 per capsule. The difference? No difference, 20 milligrams of Lipitor, the difference is price.

We get to pay the highest price in the world. It is not just the United States or Canada; it is Italy, Germany, France, you name it. We get to pay the highest price in the world for brand-name drugs. And it is just not fair. It is just not fair.

I intend to offer an amendment with my colleagues that tries to provide some fair pricing on prescription drugs. That will be important to me. The question of whether that is part of this will be important to me.

I know there is a tremendous push-back by the pharmaceutical industry. Let me be quick to say, I admire the pharmaceutical industry. They have produced lifesaving prescription drugs. They actually spend slightly more money on advertising and promotion than they do on research and development, which I think is rather strange. I have said many times that when you are brushing your teeth in the morning with the radio on or television on and you hear an ad that says: You know what you should do today? You should go ask your doctor whether the purple pill is right for you.

Every day they do that. It almost makes you feel like you want to find a doctor and say: Should I be taking the purple pill? Maybe you need Flomax or whatever. They advertise every single day and spend more money on marketing, promotion, and advertising than on research and development. A substantial amount of the research and development comes from the National Institutes of Health and then it is distributed to companies around the country that produce the medicine. Prescription drug prices have to be a part of this. I intend to offer the amendment with my colleague.

The reimbursement issues with respect to the smaller States, with the highest quality have received the lowest historical reimbursement dating back to when Medicare started. That is fundamentally wrong and has to change. There are a series of things that I think will need to be done on the floor of the Senate to address some of the issues with this legislation.

Finally, I will conclude by saying another part of this agenda that is being discussed is climate change. Some say

that we have taken up climate change right now, because Copenhagen is coming up. We have to address climate change. My view is we passed an energy bill 6 months ago, in the Senate Energy and Natural Resources Committee that does exactly what you would do to address climate change. Including maximizing renewable energy and building the transmission to move the energy from places where it is produced to the load centers. The bill passed by the Senate Energy Committee also includes increasing building efficiency, which is the lowest hanging fruit. This legislation also includes a renewable electricity standard, which will be the first time in the history of this country that we will say that 15 percent of all electricity must come from renewable sources. I want that to be increased to 20 percent. The Senate Energy Committee's bill, in my judgment, should be brought to the floor ahead of climate change. You should take care of the policy changes that move you in the right direction first, and then bring climate change to the floor of the Senate and deal with the timetables.

Many of my colleagues feel that is an inappropriate approach. I think it is exactly what we should do. In my judgment, I don't think we are going to do climate change on the floor between now and the end of the year. If we don't get to climate change this year, nor bring the Senate Energy Committee bill to the floor, it means that we turned the corner this year without considering climate change legislation or the Senate Energy Committee's bill. That doesn't make sense to me. I will speak to that later. My colleagues are waiting to speak, so I will speak about that later.

I think, in the context of what is important, and how we should proceed, for me, with respect to energy and climate change. It is not that I oppose climate change legislation, although I do oppose the "trade" portion of cap and trade. I have no intention of creating a \$1 trillion securities trading market on Wall Street, to have them trade on Monday and Tuesday with investment speculators, so we can find out the cost of our electricity on Thursday and Friday. I have very little confidence in the creation of a market to trade carbon securities. I believe there are other ways to do it.

It is not that I am opposed to climate change legislation, if it is structured properly. I think something is happening to our climate. We ought to take no-regret steps to address climate change. Senator BINGAMAN and I along with others have written an energy bill that ought to come before climate change legislation, that will advance our country's interests in addressing the policies needed to do to deal with climate change.

I will speak about energy at another time at greater length. Those represent some of my thoughts about the agenda. Again, on health care, I think a lot of people will come to the floor on health

care, with a very open notion about wanting to vote on a lot of amendments. At the end of the day, saying: Is this something that advances our country's interests or doesn't it? I have not made that judgment at this point on health care. I will be a part of the people who make amendments. Then I will make a judgment. I will measure it two ways: Does this put the brakes on health care costs and is it paid for? Second, does it extend coverage to those folks who don't have coverage because they cannot afford it? If we do that, we will have done something good for the country. If not, there will be great difficulty in passing it on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

LEADING THE WAY ON GREEN JOBS

Mr. KAUFMAN. Mr. President, my home State of Delaware has been the recipient of some good news this week and so I thought this would be a good time to come to the floor and discuss how Delaware is leading the way in responding to the challenge of climate change and creating green jobs.

This is a critical time in our history. At stake are the jobs and economic future of our children and grandchildren. Unfortunately, as we emerge from this economic crisis, many of the jobs we have lost will not return. To make a full recovery, we need to create the next generation of jobs. I believe that the jobs leading the way will be the clean and green energy industries of tomorrow.

I am proud to say that my home State of Delaware is already leading the way.

Like many States, my State once had a proud record of automobile manufacturing. All of my colleagues know, though, that the recent economic downturn has hit already downtrodden auto companies especially hard, and, in recent months, our two auto plants were closed.

This is not simply a question of economics.

For the families who saw paychecks end and the dignity of work disappear, these closures were a real personal tragedy.

The men and women who worked in our auto plants are some of the most dedicated, capable workers I have ever met. They embraced an American dream—the chance to work hard at a decent job and provide for a family. And then, in the midst of an economic crisis not seen in decades, they found themselves looking to start over.

They did their job. They held up their side of the bargain. They went to work everyday and worked hard at their job—and in the process made our GM plant and our Chrysler plant two of the most productive and efficient plants around.

That is why we from Delaware have been fighting to help them land on

their feet. We know the potential of these trained, hard-working, eager employees, and we know the decency of these families.

Just recently, I was able to join Vice President BIDEN, Delaware Governor Markell, and our congressional delegation in announcing that Fisker Automotive will begin building plug-in hybrids at the old General Motors Boxwood Road plant.

In a few years time, we expect that Fisker will be building cars that get more than 100 miles per gallon—and building as many as 100,000 of them per year. This will mean nearly 1,500 permanent manufacturing jobs.

Before we get there, there will be hundreds or thousands of good construction jobs created by revamping and renovating the plant to produce these state-of-the-art vehicles.

But this happy tale is not possible without crucial support. Fisker was awarded a loan by the Department of Energy, part of a program designed to jump start the production of advanced vehicles.

At the same time, Governor Jack Markell has worked hard to keep the plant in condition to be retooled, and to convince Fisker that Delaware offers the ideal market to begin building tomorrow's cars.

And I believe the clincher was the highly trained workforce we had to offer.

In fact, Fisker will be hiring many of the GM employees to work back in their old building—to work at building a state-of-the-art advanced car.

At the same time, the University of Delaware has announced a plan to buy the old Chrysler Newark plant and convert it to an advanced research facility. These 272 acres adjacent to the campus are truly, as University of Delaware president Patrick Harker has said, a "once in a lifetime opportunity."

And the university has indicated that much of this research and development to be carried out there will be toward the energy technologies we will need to combat climate change and to compete in tomorrow's economy.

In fact, the university is already a leader in any of these fields. It is a recognized center of excellence for solar power research and education, as designated by the Department of Energy, and a center of excellence for composite materials as well.

Just this week, the university was awarded nearly \$4.5 million for research into magnetic materials from a new program called ARPA-E.

The Advanced Research Projects Agency—Energy has a mission, "to develop nimble, creative, and inventive approaches to transform the global energy landscape while advancing America's technology leadership."

The research the University of Delaware is doing could greatly increase the efficiency of electric motors—for electric and hybrid vehicles and for wind turbines alike. At the same time,

it could drastically reduce our imports of rare Earth minerals that often come from the darkest corners of our world.

At the same time, DuPont was winning \$9 million from ARPA-E for its research into seaweed-based biobutanol.

What is biobutanol, my colleagues may ask. The answer is that biobutanol is an advanced fuel designed for use in place of gasoline.

We have heard a lot about ethanol and how it can transform our energy landscape and it will play a very significant role—and already does.

But it is not flawless. It tends to be corrosive, meaning that we cannot use our existing pipeline infrastructure and that we must retrofit our vehicles.

At the same time, it has a lower energy density than gasoline—in other words, fewer miles per gallon.

Biobutanol may very well have fixed those problems. It has nearly the energy density of gasoline and is much less corrosive than ethanol. And now, thanks to research from DuPont and others, we are learning how to make it from seaweed.

Imagine a scalable source of biomass—solar-powered, low-carbon bioenergy—that does not take up existing arable land or demand potable water.

Imagine a fuel built from that source that operates like conventional gasoline.

Wouldn't that be a big step forward for addressing our climate challenges and for ensuring that tomorrow's vehicles will be powered by American ideas?

And DuPont is leading in several other fields. It is an innovator in thin-film solar panels, cellulosic ethanol, and fuel cells.

Across town, W.L. Gore, whom we all know for the miracle fabric Gore-Tex, is a market leader in the membranes essential for fuel cells.

If we hope to move someday to a hydrogen vehicle, and I do, we will need their expertise and excellence.

Perhaps the most significant renewable energy project underway in Delaware, however, is actually happening just outside of Delaware. It is happening in our ocean.

A company called Bluewater Wind is leading the way in developing offshore wind power in the United States.

In countries like Denmark and the United Kingdom, they have already recognized that the abundant ocean breezes provide a vast, constant, renewable source of electricity. It is time for us to catch up.

In fact, the Delaware offshore wind park will be larger than all offshore wind farms currently in existence, although other large farms are being planned and built in other countries.

What it will be is America's first.

In fact, Delaware yesterday hosted the Nation's first Federal offshore renewable energy task force meeting.

When the Department of Energy has concluded that offshore wind can meet 70 percent of all domestic electricity needs, how can we afford to ignore this resource?

And when nations around the world have wind, waves, and electricity demand, shouldn't we try to claim the leadership position in this technology?

That is why I am glad that the Federal Government, by providing the right incentives for wind power, and the State of Delaware, by working with Bluewater to ensure that there will be demand for that power, have convinced Bluewater Wind that Delaware is the place to start.

Mr. President, I could name hundreds of other areas where Delaware and Delawareans are leading the way in creating tomorrow's jobs.

We are installing combined heat and power projects to increase the efficiency of a chemical factory and of a community college. Our port is aiming to revamp its infrastructure to take advantage of green technologies that will make it cleaner and cheaper to operate.

We have set up an innovative new financing mechanism, the Sustainable Energy Utility, that will help get clean technologies through the so-called "valley of death." Even our schools are getting in on the act, installing solar panels on gymnasium rooftops.

We have small start up companies that are leading the way on a whole host of technologies, from less toxic disinfectants to safety reflectors, windmills and biofuels to recycling old carpet.

Companies like ILC Dover, that manufacture components of space suits, are leading the way in developing advanced materials, while CMI Electric, a solar panel seller and installer, has a banner on its Web site that says "We are hiring apply here." We need more of those five words.

I congratulate the leaders of my State, in industry and government, in academia and private life, for recognizing that the future of our economy and, thus, the legacy we leave future generations depends on leading the way on green technologies and in green industries.

GOLDSTONE REPORT

Mrs. GILLIBRAND. Mr. President, my colleague in the New York State Assembly, Alec Brook-Krasny, wrote two letters regarding the United Nations fact finding mission led by Justice Richard Goldstone, the Goldstone Report. Assembly Member Brook-Krasny represents the significant Russian speaking community of New York. He voiced the concerns of our constituents in writing to the Russian Minister of Foreign Affairs Lavrov to raise concerns about Russia's vote in favor of the recommendations in the Goldstone Report. Likewise, he represented the community's views in voicing appreciation of Ukraine's vote along with the United States against adoption of the report's recommendations.

I commend Assembly Member Brook-Krasny for his leadership on this issue. I and a bipartisan group of 31 other

Senators sent a letter of concern about the bias and flaws in the original mandate and ultimate recommendations of the Goldstone Report. We commended the State Department's leadership on this issue. As the report moves forward for consideration by the United Nations General Assembly, I believe it is important that the United States continue to do what it can to ensure that the Goldstone Report is not used unfairly and cynically to condemn Israel without looking at all of the facts and events leading to the conflict.

I ask unanimous consent that the attached letters from New York State Assembly Member Alec Brook-Krasny to Russian Minister of Foreign Affairs Lavrov and Ukrainian Minister of Foreign Affairs Poroshenko, respectively, be printed in the RECORD.

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

THE ASSEMBLY, STATE OF NEW YORK,

Albany, NY, October 23, 2009.

H.E. SERGEY LAVROV,

Minister of Foreign Affairs, Russian Federation, Moscow.

DEAR MINISTER LAVROV: First, I would like to note that although foreign relations is not a part of my job description as a member of the New York State Assembly, I found it impossible to ignore an event that has seriously concerned more than ten thousand of my constituents—natives of the former USSR.

I write to you in regards to the recent vote at the United Nations Human Rights Council. Russia has voted in favor of endorsing the conclusions of former South African Judge Richard Goldstone's commission. The report states that antiterrorist operations in Gaza in January 2009 by Israel should be considered as war crimes and deliberate destruction of civilian population. The Goldstone Report mentions some anonymous armed groups, but it says nothing about eight years of the daily firing of rockets at civilians in the south of Israel by Hamas and other terrorists.

I consider the decision of the Russian Government to endorse the Goldstone Report at the UN Human Rights Council deeply troubling. This decision is directed not only against Israel; it significantly reduces Israel's ability to protect its citizens, including the thousands of Russian citizens living today in Israel.

Support of Goldstone's report by the Human Rights Council has surprised and aggravated many people, including one of founders of Human Rights Watch, Robert Bernstein. On October 19, 2009, New York Times published his article in which he condemned this one-sided report. Even Richard Goldstone himself, in a recent interview with the Swiss newspaper *Le Temps*, has recognized that in his report "there is no phrase with condemnation of Hamas".

The decision of the UN Human Rights Council will have a negative effect on the continuation and development of the peace process in the Middle East. In the resolution approved by 25 out of 47 members of Human Rights Council, there is no mention of the criminal and terrorist characteristics of Hamas activity. In addition, nothing is mentioned about the long-term bombardments of Sderot and other cities of Israel from Gaza prior to the IDF operation. During eight years of incessant rocket bombardments of Israeli territory, the United Nations kept silent and never adopted a resolution protecting Israeli civilians. When Israel finally

decided to end the bombardment of its cities, the Human Rights Council endorsed a resolution that demonized Israel and its army in the eyes of the international community.

The resolution supported by Russia undermines the interests of those moderate forces in the Palestinian autonomy which would be willing to establish peace with Israel. Goldstone's one-sided report strengthens Hamas's position and sharply weakens the position of the Palestinian government led by Mahmud Abbas. As a result of the Human Rights Council's resolution, the "Hezbollah-Syria-Iran" Axis, has gained support, legitimacy and international approval.

Additionally, Goldstone's report has strengthened Israel's belief that all of their attempts to negotiate a peace with the Palestinian Arabs, including voluntary withdrawal from Gaza and other territorial concessions, will always be ignored by the international community. At the same time, reciprocal steps against terrorists will lead to condemnation by the United Nations.

Lastly, approval of Goldstone's report will lead to new problems in the struggle against terrorism. In Gaza, Hamas and Jihad widely applied the tactic of using civilians as a "human shield". Thus, the resolution of the Human Rights Council has actually proven this is a successful form of terrorist activity. This resolution will complicate the struggle of civilized countries against terrorist activity. It is surprising that Russia, whose citizens constantly suffer from actions of terrorism, has voted for the resolution, thereby justifying these "human shield" tactics.

Russian-speaking Americans have a number of close relatives and friends in Israel. But there is another reason for our anxiety about the unilateral position of the UN Human Rights Council. Israel is a deeply peaceful country, the only democracy in the Middle East, surrounded by autocratic regimes. In Israel, more than 80 human rights organizations freely operate, a free press exists, and the judicial system often rules against other branches of its government. There are many political parties, democratic elections, liberal journalists, a politically active and creative scientific community, and independent courts. This is the country accused of deliberate attacks against civilians and crimes against humanity?

In the last few years Israel has undertaken many steps for rapprochement with Russia, including the canceling of visa requirements for Russian tourists. I was born and raised in Moscow, and still hope that Russia will become a strategic partner of Israel and will not always automatically vote in the United Nations, as the USSR did, for anti-Israel resolutions. We in America hope that the Russian government aspires to achieve peace in the Middle East, instead of creating new problems and conflicts. A country of such great culture and greater human achievements cannot be on a par with rogue countries such as Iran, Venezuela, North Korea, and Syria.

I thank you for your attention to this matter, and I hope to receive a concrete and constructive answer to this letter.

Respectfully,

ALEC BROOK-KRASNY,
Member of the Assembly, 46th District.

THE ASSEMBLY, STATE OF NEW YORK,
Albany, NY, October 23, 2009.

H.E. PETRO POROSHENKO,
*Minister of Foreign Affairs,
Kyiv, Ukraine.*

YOUR EXCELLENCY: I am writing to express my deep appreciation to your Government and to you personally, for voting against the one-sided resolution adopted by the Human Rights Council in Geneva early this month. I express this appreciation also on behalf of

my constituency, which is comprised of thousands of immigrants from Ukraine to the U.S. who now live in the district that I represent at the New York State Assembly. I am especially satisfied by the principled stance of your government, as I know that the most respected American Jewish organization, AJC, urged your predecessor to take this position at their meeting with the Ukrainian delegation in New York last month.

Regrettably, this harmful resolution was endorsed by the majority of 47 members of the Council, but the vote taken by Ukrainian Government, and other democratic nations, underscores the moral bankruptcy of that resolution. As you know, the resolution endorses the recommendations contained in the Goldstone report, which seeks to set the international community in a comprehensive political campaign against Israel. I trust that Ukrainian Government will continue to oppose attempts to single out and censure Israel in the international arena.

By voting against the endorsement of Goldstone report your government decided to be in the minority rather than forsake its values. We salute your government for adhering to this noble principle.

Respectfully,

ALEC BROOK-KRASNY,
Member of the Assembly, 46th District.

GLOBAL CHILD SURVIVAL ACT

Mr. DODD. Mr. President, I wish to speak in support of the Global Child Survival Act of 2009, which I introduced earlier this week along with Senators CORKER and DURBIN.

I do so in the hopes that the United States will take these important steps towards living up to its obligation as the world's wealthiest nation.

Ours is a moral obligation, of course; reducing mortality rates for children in developing areas of the world is within our grasp. We—we in this very body—have the power to save millions of innocent and vulnerable lives.

Ours is also a literal obligation. As part of the Millennium Development Goals, the United States has made an explicit commitment—along with 188 other nations—to doing its part to reach this goal.

To date, we have made significant progress and improved the lives of tens of thousands of individuals. But unless we bring to bear the full force of our knowledge, our creativity, our compassion, and our commitment to implementing effective strategies, we will ultimately fail to keep our promise to millions around the world who need us.

I can't accept that.

Not when nearly 9 million children under the age of five die every year—more than 24,000 every day. That is a number equal to the population of South Windsor, CT, dying every day—mostly from preventable and treatable causes like pneumonia, diarrhea, malaria, and sepsis.

Not when nearly 4 million newborns every year die in the first 4 weeks of life.

Not when 2.5 million children die each year from diseases for which vaccines are readily available.

Not when it is clear that simply by living up to the commitments we have

already made, to say nothing of furthering our commitments, we could save so many lives so easily.

This is a moral imperative. But it is also a strategic imperative. The state of a country's public health is inextricably linked to its security. Poor health systems around the world represent a danger to America. Last year, the Director of National Intelligence reported as follows:

Chronic, non-communicable diseases; neglected tropical diseases; maternal and child mortality; malnutrition; sanitation and access to clean water; and availability of basic health-care also affect the US national interest through their impacts on the economies, governments, and militaries of key countries and regions.

Countries with high child and maternal mortality are inherently less stable and more prone to violence. The consequences of failing to live up to our commitments under the Millennium Development Goals will be felt around the world.

These goals are not beyond our reach. Already, the increased distribution of simply technologies like mosquito nets and basic vaccinations has reduced child mortality to its lowest level since we began keeping track of the statistics in 1960.

Simple efforts like distributing bed nets and micronutrients are saving 10,000 children a day.

But our success to date is not an excuse for complacency going forward. There is more we can do.

We could save 1.4 million newborns by encouraging exclusive breast feeding for the first 6 months of life.

We could cut in half newborn mortality and reduce maternal mortality simply by providing basic childbirth assistance—things like clean equipment and trained attendants.

If we make simple remedies like oral rehydration therapy for diarrhea and antibiotics for respiratory infections available in accordance with the Millennium Development Goals, we could cut the child mortality rate by two-thirds, saving nearly 6 million lives a year.

The legislation requires the administration to develop and implement a strategy to improve the health of, and reduce mortality rates among, newborns and children in developing countries.

It supports effective, life-saving programs to provide children and mothers with basic minerals and vitamins that we daily take for granted, and it takes on the scourge of easily treatable and preventable diseases such as pneumonia and cholera.

It empowers young girls by helping them get good educations, and protects them from abusive practices such as female genital cutting.

It establishes a task force to monitor and evaluate the progress of government agencies responsible for ensuring that we meet our commitment to the Millennium Development Goals.

It puts Congress on record as supporting innovative intervention strategies—from community based health centers to ready-to-use food therapies.

It authorizes the President to put our money where our intentions are.

Finally, this bill makes an important statement at a pivotal time. We are close to reaching a key milestone on the road to achieving our Millennium Development Goals in 2015. This legislation will put the Senate on record supporting robust child survival health programs as the international community redoubles its efforts to achieve these goals and prepares for the 2010 G8 and G20 summit in Canada, where child survival and maternal health will be a major priority for the assembled nations.

It doesn't cost a lot to save a life. Children in developing countries die of diarrhea every day—but the oral rehydration therapy needed to treat it costs just 54 cents. Children die of respiratory infections—but the treatment is just 71 cents.

The United States does a lot to combat child mortality. We have devoted more than \$6 billion to child survival programs over the past 20 years. It has worked. But we can do more. We have committed to do more. We must do more.

I urge my colleagues to join me in this effort, which has already garnered bipartisan support. Millions of lives hang in the balance.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that it agreed to the concurrent resolution (S. Con. Res. 45) encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible, without amendment.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2009, she had presented to the President of the United States the following enrolled bills:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grants program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3518. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1778); to the Committee on Armed Services.

EC-3519. A communication from the Senior Import Policy Analyst, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes in Procedures for Florence Agreement Program" (RIN0625-AA75) received in the Office of the President of the Senate on October 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3520. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting the report of a proposed rule entitled "Lead; Amendment to the Opt-out and Record Keeping Provisions in the Renovation, Repair, and Painting Program" (FRL No. 8795-9) received in the Office of the President of the Senate on October 29, 2009; to the Committee on Environment and Public Works.

EC-3521. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to additional lease prospectuses that support the U.S. General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-3522. A communication from the Deputy Director of the Office of Labor-Management Standards, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Organization Annual Financial Reports" (RIN1215-AB62) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3523. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-216, "Personal Mobility Device for Persons with Disabilities Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3524. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-217, "Reinstated Nonprofit Corporation Contract Ratification Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3525. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-218, "University of the District of Columbia Board of Trustees Quorum Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3526. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-219, "University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-220, "Private Fire Hydrant Responsibility Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3528. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 18-221, "Public Assistance Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-222, "Unemployment Compensation Extended Benefits Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-223, "Studio Theatre Housing Property Tax Exemption and Equitable Tax Relief Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-224, "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-225, "Chemotherapy Pill Coverage Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1194. A bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes (Rept. No. 111-95).

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. KERRY (for himself and Mr. KIRK):

S. 2521. A bill to suspend temporarily the duty on audio interface units for sound mixing, recording, and editing capable of full interface control by separate automatic data processing system using proprietary software protocol; to the Committee on Finance.

By Mrs. HAGAN:

S. 2522. A bill to suspend temporarily the duty on RSD 1235; to the Committee on Finance.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2523. A bill to suspend temporarily the duty on certain electric cooktops; to the Committee on Finance.

By Ms. CANTWELL:

S. 2524. A bill to extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2525. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2526. A bill to extend and modify the temporary suspension of duty on certain

women's footwear, valued over \$23/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2527. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2528. A bill to extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, not covering the ankle, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2529. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2530. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, not covering the ankle, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2531. A bill to extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, covering the ankle, with a coated or laminated textile fabric; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr.

BURR, Mr. CASEY, and Mrs. HAGAN):

S. 2532. A bill to extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes; to the Committee on Finance.

By Mr. BURR:

S. 2533. A bill to extend the temporary reduction of duty on Glyoxylic acid; to the Committee on Finance.

By Mr. BURR:

S. 2534. A bill to extend the temporary suspension of duty on Isobutyl 4-hydroxybenzoate and its sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2535. A bill to extend the temporary suspension of duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Finance.

By Mr. BURR:

S. 2536. A bill to suspend temporarily the duty on chromate(4-), [7-amino-3-[(3-chloro-2-hydroxy-5-nitrophenyl)azo]-4-hydroxy-2-naphthalenesulfonato(3)]-[6-amino-4-hydroxy-3-[(2-hydroxy-5-nitro-3-sulfophenyl)azo]-2-naphthalenesulfonato(4-)]-, tetrasodium (p 96-1335); to the Committee on Finance.

By Mr. BURR:

S. 2537. A bill to suspend temporarily the duty on Pigment Orange 62; to the Committee on Finance.

By Mr. BURR:

S. 2538. A bill to extend the temporary suspension of duty on 2-Anthracenesulfonic acid, 4-[[3-(acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-, monosodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2539. A bill to extend the temporary suspension of duty on 1,3,6-Naphthalenetrisulfonic acid, 7-[[2-[(aminocarbonyl)amino]-4-[[4-[2-[[4-[[3-[(aminocarbonyl)amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-

-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, lithium potassium sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2540. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2541. A bill to extend the temporary suspension of duty on Ethanesulfonic acid, 2-[[[2,5-dichloro-4-[(2-methyl-4H-indol-3-yl)azo]phenyl]sulfonyl]amino]-, monosodium salt; to the Committee on Finance.

By Ms. CANTWELL:

S. 2542. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$30/pair, with outer soles of rubber, plastics, leather, or composition leather and uppers of rubber or plastics whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Ms. CANTWELL:

S. 2543. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$30/pair, with textile outer soles and uppers of leather or composition leather whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Ms. CANTWELL:

S. 2544. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$30/pair, with textile outer soles and uppers of leather or composition leather whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Ms. CANTWELL:

S. 2545. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$20/pair, but not over \$45/pair, with outer soles of rubber, plastics, leather, or composition leather and uppers of leather whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Mr. BURRIS:

S. 2546. A bill to extend the temporary suspension of duty on certain music boxes; to the Committee on Finance.

By Mr. BURRIS:

S. 2547. A bill to extend the temporary suspension of duty on triphenyltin hydroxide; to the Committee on Finance.

By Mr. BURRIS:

S. 2548. A bill to extend the temporary suspension of duty on Bromoxynil Octonate; to the Committee on Finance.

By Mr. BURRIS:

S. 2549. A bill to suspend temporarily the duty on Mixtures of 1-[[bis(4-fluorophenyl)methyl]methyl]-1H-1,2,4-triazole with xylene and inert application adjuvants; to the Committee on Finance.

By Mr. BURRIS:

S. 2550. A bill to suspend temporarily the duty on certain personalized jewelry; to the Committee on Finance.

By Mr. BURRIS:

S. 2551. A bill to suspend temporarily the duty on Fluthiacet-methyl; to the Committee on Finance.

By Mr. BURRIS:

S. 2552. A bill to extend the temporary suspension of duty on carbamic acid; to the Committee on Finance.

By Mr. BURRIS:

S. 2553. A bill to extend the temporary suspension of duty on 3-(Ethylsulfonyl)-2-pyridinesulfonamide; to the Committee on Finance.

By Mr. BURRIS:

S. 2554. A bill to extend the temporary suspension of duty on 2-amino-4-methoxy-6-

methyl-1,3,5-triazine; to the Committee on Finance.

By Mr. BURRIS:

S. 2555. A bill to extend the temporary suspension of duty on N-[[[4,6-dimethoxypyrimidin-2-yl]amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide and application adjuvants; to the Committee on Finance.

By Mr. BURRIS:

S. 2556. A bill to extend the temporary suspension of duty on 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Finance.

By Mr. BURRIS:

S. 2557. A bill to suspend temporarily the duty on metsulfuron-methyl; to the Committee on Finance.

By Mr. BURRIS:

S. 2558. A bill to extend the temporary suspension of duty on 2-ethylhexyl (4-chloro-2-methylphenoxy) acetate; to the Committee on Finance.

By Mr. BURRIS:

S. 2559. A bill to extend the temporary suspension of duty on dichloroprop-p acid, dichloroprop-p dimethylamine salt, and dichloroprop-p 2-ethylhexyl ester; to the Committee on Finance.

By Mr. BURRIS:

S. 2560. A bill to extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid; to the Committee on Finance.

By Mr. BURRIS:

S. 2561. A bill to extend the temporary suspension of duty on 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt; to the Committee on Finance.

By Mr. BURRIS:

S. 2562. A bill to extend the temporary suspension of duty on MCPB Acid and MCPB Sodium Salt; to the Committee on Finance.

By Mr. BURRIS:

S. 2563. A bill to suspend temporarily the duty on Imazapyr; to the Committee on Finance.

By Mr. BURRIS:

S. 2564. A bill to extend the temporary suspension of duty on 4-(2,4-dichlorophenoxy) butyric acid and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt; to the Committee on Finance.

By Mr. BURRIS:

S. 2565. A bill to extend the temporary suspension of duty on certain decorative plates, sculptures, and plaques; to the Committee on Finance.

By Mr. ALEXANDER:

S. 2566. A bill to extend the temporary suspension of duty on 1,10-diaminodecane; to the Committee on Finance.

By Mr. BUNNING:

S. 2567. A bill to suspend temporarily the duty on carbonaceous pastes for electrodes and similar pastes for furnace linings; to the Committee on Finance.

By Mr. BOND:

S. 2568. A bill to extend the temporary suspension of duty on N-Cyclohexylthiophthalimide; to the Committee on Finance.

By Mr. BOND:

S. 2569. A bill to extend the temporary suspension of duty on methy methoxyacetate; to the Committee on Finance.

By Mr. BOND:

S. 2570. A bill to extend the temporary suspension of duty on Tetraethylthiuram; to the Committee on Finance.

By Mr. BOND:

S. 2571. A bill to extend the temporary suspension of duty on Tetramethylthiuram Disulfide; to the Committee on Finance.

By Mr. BOND:

S. 2572. A bill to extend the temporary suspension of duty on 4,4'-Dithiodimorpholine; to the Committee on Finance.

By Mr. BOND:

S. 2573. A bill to extend the temporary suspension of duty on 4-Aminodiphenylamine (4ADPA); to the Committee on Finance.

By Mr. BOND:

S. 2574. A bill to reduce temporarily the duty on Ethyl [4-chloro-2-fluoro-5-[[[methylethyl(1-methylethyl) amino] sulfonyl]amino] carbonyl] phenyl]carbamate; to the Committee on Finance.

By Mr. BOND:

S. 2575. A bill to suspend temporarily the duty on Ethyl 3-amino-4,4-trifluorocrotonate; to the Committee on Finance.

By Mr. BOND:

S. 2576. A bill to suspend temporarily the duty on Diethyl oxalate; to the Committee on Finance.

By Mr. BOND:

S. 2577. A bill to suspend temporarily the duty on Potassium decafluoro(pentafluoroethyl) cyclohexanesulfonate; to the Committee on Finance.

By Mr. CORNYN:

S. 2578. A bill to suspend temporarily the duty on certain knit-to-shape sweatshirts for women or girls, of man-made fiber; to the Committee on Finance.

By Mr. CORNYN:

S. 2579. A bill to suspend temporarily the duty on certain knit-to-shape sweaters for men, of cotton; to the Committee on Finance.

By Mr. CORNYN:

S. 2580. A bill to suspend temporarily the duty on certain knit-to-shape sweaters for girls, of cotton; to the Committee on Finance.

By Mr. CORNYN:

S. 2581. A bill to suspend temporarily the duty on certain knit-to-shape shirts of wool or fine animal hair; to the Committee on Finance.

By Mr. CORNYN:

S. 2582. A bill to suspend temporarily the duty on certain knit-to-shape pullovers for women or girls; to the Committee on Finance.

By Mr. CORNYN:

S. 2583. A bill to suspend temporarily the duty on certain knit-to-shape blouses and shirts of man-made fibers for girls; to the Committee on Finance.

By Mr. CORNYN:

S. 2584. A bill to suspend temporarily the duty on certain knit-to-shape articles for men or boys, of cotton; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2585. A bill to suspend temporarily the duty on certain men's knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2586. A bill to suspend temporarily the duty on certain men's or boys' knit-to-shape wool vests; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2587. A bill to suspend temporarily the duty on certain women's knit-to-shape blouses and shirts; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2588. A bill to suspend temporarily the duty on certain women's or girls' knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2589. A bill to suspend temporarily the duty on certain women's or girls' knit-to-shape wool vests; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2590. A bill to suspend temporarily the duty on certain women's knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2591. A bill to suspend temporarily the duty on certain women's knit-to-shape wool sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2592. A bill to suspend temporarily the duty on certain men's knit-to-shape-wool sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2593. A bill to suspend temporarily the duty on certain women's or girls' knit-to-shape vests; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2594. A bill to suspend temporarily the duty on mixtures or coprecipitates of lanthanum phosphate, cerium-doped lanthanum phosphate, cerium phosphate, and terbium phosphate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2595. A bill to suspend temporarily the duty on the mixtures or coprecipitates of yttrium phosphate or cerium phosphate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2596. A bill to suspend temporarily the duty on Trinexapac-Ethyl Technical; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2597. A bill to suspend temporarily the duty on certain sound isolating earphones with detachable cable; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2598. A bill to suspend temporarily the duty on imports of certain handheld moving coil dynamic microphones; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2599. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as a single species bush, with or without foliage; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2600. A bill to suspend temporarily the duty on artificial flowers of man-made fibers, assembled as a multi-species bush, with or without foliage; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2601. A bill to suspend temporarily the duty on Neodymium oxide; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2602. A bill to suspend temporarily the duty on certain men's or boys' knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mr. REID:

S. 2603. A bill to suspend temporarily the duty on screw-on bottle caps and shaker caps with chromium or gold plated finish; to the Committee on Finance.

By Mr. REID:

S. 2604. A bill to suspend temporarily the duty on threaded stoppers, caps, and lids of base metal with chromium or gold-plated finish, of a type and size suitable for use on salt-and-pepper shakers, perfume bottles, and the like; to the Committee on Finance.

By Mr. REID:

S. 2605. A bill to suspend temporarily the duty on 2-Propenoic acid, reaction products with o-cresol-epichlorohydrin-formaldehyde polymer and 3a,4,7a-tetrahydro-1,3-isobenzofurandione; to the Committee on Finance.

By Mr. REID:

S. 2606. A bill to suspend temporarily the duty on Formaldehyde, polymer with methylphenol, 2-hydroxy-3-[(1-oxo-2-propenyl)oxy]propyl ether and formaldehyde, polymer with (chloromethyl)oxirane and methylphenol, 4-cyclohexene-1,2-dicarboxylate 2-propenoate; to the Committee on Finance.

By Mr. REID (for himself and Mrs. FEINSTEIN):

S. 2607. A bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1927

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Ms. STABENOW) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1927, a bill to establish a moratorium on credit card interest rate increases, and for other purposes.

S. 1931

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1931, a bill to enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and recommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes.

AMENDMENT NO. 2712

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. DODD), the Senator from Georgia (Mr. ISAKSON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 2712 proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. BURR, Mr. CASEY, and Mrs. HAGAN):

S. 2532. A bill to extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, today I seek recognition to introduce legislation entitled the Cotton Shirt Industry Tariff Relief and Promotion Act. This legislation will strengthen our domestic dress shirt manufacturers and the pima cotton growers. My bill extends a technical correction that levels the playing field by correcting an anomaly from previous trade agreements that has unfairly advantaged foreign producers and sent hundreds of jobs offshore.

This legislation extends the reduction of duties levied on cotton shirting fabric that is not made in the United States. U.S. law recognizes this lack of fabric availability and has granted special favorable trade concessions to manufacturers in Canada, Mexico, the Caribbean, the Andean region, and Africa. The U.S. allowed shirts to enter this country duty-free from many other countries, while failing to reduce tariffs on those manufacturers that

stayed in the U.S. and were forced to compete on these uneven terms. My bill extends the correction of this inequity.

This legislation also recognizes the need to promote the U.S. shirting manufacturing and textiles sectors, and does so through the extension of a Cotton Competitiveness grant program, which is funded through a portion of previously collected duties.

Our country has experienced an enormous loss of jobs in the manufacturing sector. It is critical that our domestic manufacturers are able to compete on a level playing field. My legislation is a concrete step that this Congress can take to reduce the hemorrhaging of U.S. manufacturing jobs.

One group of beneficiaries of this legislation is a Gitman Brothers factory in Ashland, PA. The Ashland Shirt and Pajama factory was built in 1948 and employs 132 workers. This factory in the Lehigh Valley turns out world class shirts with such labels as Saks Fifth Avenue that are shipped across the U.S. Their shirts are made of pima cotton that is grown in the Southwestern U.S., but spun into fabric only by special mills in Western Europe. Gitman must compete against Canadian shirt companies that import the same fabric tariff-free and who can then ship their shirts into the U.S. tariff-free under NAFTA. These workers and their families deserve trade laws that do not chase their jobs offshore.

This legislation enjoys the support of the domestic shirting industry, UNITE, and the Pima cotton association. I offer this legislation on behalf of the men and women of the Gitman factory in Ashland, the domestic dress shirting industry, and the pima cotton growers, so that for them, free trade will indeed be fair trade as well.

By Mr. REID (for himself and Mrs. FEINSTEIN):

S. 2607. A bill to amend the Department of the Interior, Environment, and Related Agencies appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipt; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF GEOTHERMAL ENERGY RECEIPTS PROVISION.

Section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 is repealed.

ORDER FOR RECORD TO REMAIN OPEN

Mr. KAUFMAN. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate today, the RECORD remain open until 1:30 p.m. today for the introduction of legislation and the submission of statements and cosponsorships.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, NOVEMBER 2, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, November 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 4 p.m., the Senate resume consideration of H.R. 3548, the Unemployment Benefits Extension Act of 2009, as provided for under the previous order. And finally, I ask unanimous consent that the filing deadline for first-degree amendments be 3 p.m. and the filing deadline for second-degree amendments be 4 p.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, at 5 p.m. on Monday, the Senate will proceed to a cloture vote on the substitute amendment to H.R. 3548. That will be the first vote of the day.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 2, 2009, AT 2 P.M.

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:17 p.m., adjourned until Monday, November 2, 2009, at 2 p.m.