



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, TUESDAY, OCTOBER 27, 2009

No. 157

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Eternal God, lead our Senators to do Your will. As they find time to spend in Your presence, help them to discern what Your will is in ever clearer light. May the knowledge of the laws of sowing and reaping create in them a reverence for You, which is the beginning of wisdom. Give them courage in the midst of fear, faith in the midst of doubt, love in the midst of hatred, and hope in the midst of despair. Lord, build their interior strength until they reach unity in the faith and knowledge of You, attaining to the whole measure of Your fullness.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS 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 27, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a

Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS 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 for 1 hour, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will proceed to executive session to consider the nomination of Irene Berger, of West Virginia, to be U.S. district judge for the Southern District of West Virginia. There will be 60 minutes for debate equally divided and controlled between Senators LEAHY and SESSIONS or their designees. The Senate will recess from 12:30 to 2:15 for the weekly caucus luncheons. At 2:20 p.m., the Senate will proceed to vote on the confirmation of the nomination. Upon disposition of the nomination, the Senate will turn to a period of morning business until 5:30, with the time equally divided and controlled between the two leaders or their designees. At 5:30, the Senate will resume consideration of the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act, with the time until 6 p.m. equally divided and controlled between the leaders or their designees. At 6 p.m., the Senate will proceed to vote on cloture on the motion to proceed to the unemployment bill. Therefore, Senators should expect a vote at 2:20 p.m. and another at 6 p.m. today.

MEASURE PLACED ON THE CALENDAR—S. 1927

Mr. REID. Mr. President, S. 1927 is at the desk and due for a second reading. The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1927) to establish a moratorium on credit card interest rate increases, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE WEEK XV, DAY II

Mr. MCCONNELL. Mr. President, from the outset of the health care debate, Americans have had one key test for reform: Will it make health care cost less? Will it make health care cost less? Well, over the past few months, a number of independent groups have reached the conclusion that the legislation we have seen fails that test. In fact, it would make health care more expensive. So even aside from the issue of whether the so-called government option is in or out of the bill that hits the floor, I think it is fair to say it isn't what the American people were looking for.

Let's start with the independent, nonpartisan Congressional Budget Office. The CBO says the proposed fees and taxes on drug makers, medical labs, and medical device manufacturers would lead to higher health care premiums for Americans who get health insurance through their employers, and

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



Printed on recycled paper.

S10743

it says premiums will go up for people who choose to buy their own insurance. So whether you get insurance through your employer or whether you buy it on your own, your premiums go up. The Joint Committee on Taxation, another nonpartisan group, also looked at the legislation. It says that a proposed excise tax on insurers would also drive up the cost of employer-provided insurance. Here are two independent, nonpartisan groups looking at the health care legislation we have seen. They both conclude it will drive up the cost of health care.

Americans thought reform was supposed to lower costs, not raise them. Yet every day it seems we see further confirmation that the plans under discussion would lead to higher costs and more long-term spending and debt.

One study we have seen says the Democrats' tax on insurance plans would cost families nearly \$500 per year in higher premiums starting next year, long before any of the proposed benefits would kick in. Another study says that a family of four in my home State of Kentucky would see their premiums go up from about \$350 a month to nearly \$800 a month—a big increase. Even if these families were eligible for the subsidies in the Democratic bill, their premiums could still be about 50 percent higher than they are now. This is mind-boggling. Only in Washington would lawmakers propose a health care reform that actually raises costs and do so in the very same month the Federal Government recorded its largest deficit in history and at a time when unemployment approaches 10 percent.

Americans thought the whole point of reform was to lower costs. Yet the plans we have seen would do just the opposite, and the American people are taking notice. Americans are asking us to follow through on the initial pledge to lower health care costs, but that means enacting reforms that would actually lead to lower costs, such as getting rid of junk lawsuits and incentivizing healthy choices. Americans want reform. Instead, the administration and its allies in the Senate are giving them higher premiums, higher taxes, and massive cuts to Medicare. Mr. President, that is not reform. I yield the floor.

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 for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Iowa is recognized.

HEALTH CARE REFORM

Mr. GRASSLEY. Mr. President, with the words "health care reform," everybody would expect costs to go down, premiums to level off, and more people being served. But it seems as though the proposals that are before the Senate are going to increase taxes, cut Medicare, and increase health insurance premiums. I think anybody hearing that would say that is not health care reform or at least not the health care reform they expected Congress to pass.

So we are here in the Congress, soon about to consider a single bill that will personally affect the lives of every single American. Not often do we pass a bill that affects the lives of every single American, and not often do we pass a bill that restructures 17 percent of the U.S. economy—maybe never before.

As one Washington Times editorial pointed out—and I am going to quote from it, and it is here for the audience to read:

[The U.S. health care system] is bigger than Great Britain's entire economy. Imagine five bickering Congressional committees trying to redesign the British economy successfully in just a few weeks. No wonder people are getting nervous.

It is true, people are getting nervous. As I travel around Iowa, I hear a lot of concern about out-of-control government spending and a massive government takeover of our health care system. People are worried that health care reform will result in lower quality, less access, and government bureaucrats deciding what health insurance they can or can't have. On top of all of that, Gallup released a poll last week saying 49 percent of Americans believe their personal costs will get worse—yes, worse—after health care reform is enacted. The poll also reported that only—and I emphasize "only"—22 percent actually think costs will go down. Less than one-quarter of the people polled actually thought health reform would accomplish its top priority: making health care more affordable.

I can't speak for my colleagues. I don't know what they are hearing from their constituents. But I know Iowans can't afford to pay more for health care. Costs are already rising three times faster than the rate of inflation. Costs are straining family budgets, and they are making it increasingly difficult for employers to offer health insurance.

The nonpartisan Congressional Budget Office, the Joint Committee on Taxation, and even the Office of the Actuary at the U.S. Department of Health and Human Services have told us what the American people already know: These massive partisan health care reform bills are going to make the problem worse.

Let me emphasize for the American people who might be listening that the

people at the Congressional Budget Office, the Joint Committee on Taxation, and the Office of Actuary at the Department of HHS are professional, not political. They don't change from time to time when the makeup of Congress changes. They are there over a long period of time studying things in an intellectually honest way to tell it like it is. This is what they are saying: These massive partisan health care reform bills are going to make the problem worse.

So I wish to go to some analyses we have already received from these nonpartisan, intellectually honest organizations.

According to a September 22 letter from CBO to Chairman BAUCUS about the Finance Committee bill:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

So according to CBO, after these bills spend \$1 trillion, many of the people struggling to afford their premiums today will actually end up seeing those premiums go up if this bill is enacted. The Congressional Budget Office also commented on how the tax increases would also raise premiums.

During the Finance Committee markup, Senator CORNYN asked this question:

Would the new fees on health insurers be passed down to health care consumers?

Dr. Elmendorf, Director of CBO, responded by saying:

Our judgment is that, [the new fees] would raise insurance premiums.

The Joint Committee on Taxation confirmed that they came to the same conclusion during the markup. Mr. Barthold, the director there, said:

Basic economics is that that fee will be reflected in higher premium costs.

Let's not forget that these new insurance fees begin next year, in the year 2010, 3 years before any of the reforms in the bill take effect. So it is irrefutable that premiums will go up for every single American starting next year as a result of a bill that came out of the Senate Finance Committee.

The Office of the Actuary with the U.S. Department of Health and Human Services—another nonpartisan, highly regarded set of expert analysts, by the way—has also looked at some of the Democratic health reform proposals.

In a memo released on October 21, the Department of Health and Human Services, Office of Actuary, provided an analysis of House bill H.R. 3200. In the memo, the Health and Human Services actuary writes that the House bill does bend the growth curve, meaning the inflationary increase in health care costs. Of course, a top priority for Congress and the White House was to bend that curve. Unfortunately, the chief actuary says the Democratic leadership and the White House have failed to tell the American public it bends the curve in the wrong direction—not downward but upward.

According to the HHS memo, health care spending would actually increase if the House bill became law. The actuary writes it this way:

In the aggregate, we estimate that for calendar years 2010 to 2019, national health expenditures would increase by \$750 billion, or 2.1 percent, over the updated baseline projection.

While some of the supporters of these partisan bills may not want to tell their constituents, we all know that as national spending on health care increases, American families will bear a burden through increased health insurance premiums.

Let me be very clear. As a result of the pending health care proposals, most Americans will pay higher premiums for health insurance.

Some of my colleagues will try to refute this claim by mentioning the taxpayer-funded subsidies included in these health care bills. It is interesting that they don't even try to deny, in the process of talking about taxpayer-funded subsidies, that premiums will still go up. They don't deny that. They just say the government—or let's say the taxpayers—are going to pick up the tab.

It is true the proposals we have seen so far include about \$½ trillion in cuts to Medicare and massive tax increases to pay for this new entitlement program. But once again, some of my colleagues fail to mention that most Americans would not qualify for these subsidies. Most Americans—about 160 million—get their health care through their employer.

But if you are one of those people who get their health care through an employer, you don't qualify for any subsidy until you spend 10 percent of your income on health care premiums.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. GRASSLEY. I ask unanimous consent for an additional 7 minutes.

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

Mr. GRASSLEY. The other side plans to throw much of your hard-earned dollars at it to make premiums appear affordable. But even with their \$1 trillion in spending, the Congressional Budget Office has confirmed that in 2019 only about 7 percent of those insured will be getting government subsidies.

So even though there will be a huge new taxpayer-funded subsidy program to help pay for these premium increases, most people would not actually qualify for any of that help. They will just be stuck with higher taxes—yes, higher taxes—less choices—yes, less choices—and higher health insurance premiums.

Some people may wonder what parts of the bill are driving up these costs. We have already identified the new insurance fee.

One analyst of the Federal policy group concluded that the insurance fee alone could raise premiums up to \$500 per year per family. Then there are the new benefit requirements.

Under the proposals we have seen so far, the Federal Government is now defining what kind of insurance you can buy anywhere in the United States. This means it will be illegal for insurers to sell or for you to buy many of the policies people are currently enrolled in.

By law, it will be illegal to buy policies that don't meet an actuarial value of 65 percent and cover a long list of mandated benefits.

The consulting firm Oliver Wyman has said that since this new Federal minimum standard is higher than many of the policies sold today, new enrollees will have to pay about 10 percent more to meet the new government benefit standard.

This is just under the Finance Committee bill. That 10-percent increase in premiums would be much higher under any of the House bills and the Senate HELP Committee proposals.

Once again, the other side of the aisle will point to a grandfathering policy that, as the President has said, will let you keep what you have. But they fail to mention that this grandfathering policy doesn't count if you ever plan to move or, two, your insurer stops offering coverage or, three, you want to change your policy to add vision or dental coverage.

If you meet any one of those criteria, the promise that you will be able to keep what you have doesn't apply to you.

Another factor that will drive up premiums is the new age rating rules. These rules set limits on the amount premiums can vary between younger and older enrollees.

Some of the proposals being considered would tighten this variation so much it will drive up premiums by almost 70 percent for younger, healthier enrollees. So all those so-called young invincibles we need to get into the health insurance pool, all the recent college graduates, will be hit hardest by the increase in premiums because of the proposed market reforms.

Taking all these factors into account, Oliver Wyman actuaries also concluded that individuals would pay as much as 73 percent more as a result of the policies in the Finance Committee bill. Small businesses could face about a 20-percent increase, which will lead to about 2.5 million less people getting coverage through their small business.

We can certainly debate all these numbers. Some may question whether rates will increase by that much. I am sure some will question the sources of these studies, although I should note we didn't take these estimates at face value. In fact, ever since the Gang of 6 meetings, we have had some of the best independent actuaries and insurance experts analyzing this data.

But even the people who want to debate the sources do not deny the fact that health insurance premiums will go up as a result of the bills we are considering. I am beginning to understand

the game. I am actually beginning to wonder if the reason no one is denying it is because this is intentional.

If these bills drive up premiums in the private market, it is going to make it a lot easier to push for a government-run insurance program or a new entitlement program.

A Washington Post story over the weekend reinforced this concern:

[Senator] Reid's original inclination was to leave the public option out of the final bill . . . but his liberal colleagues began urging him two weeks ago to reconsider, after insurance industry forecasts that premiums would rise sharply under the Finance Committee bill.

Let's hope the Democratic leadership and the White House aren't willing to push a bill that forces 200 million people to pay higher premiums unless they enroll in a new government entitlement insurance program. But that is certainly what it sounds like.

Whatever the motive may be, the facts are undeniable. Health insurance premiums will increase for every individual and small business as early as next year as a result of the pending health bills. It will hit young, healthy people the hardest. It will cause small business to stop offering health insurance premiums. We have heard it from Joint Tax, we have heard it from CBO, and we have heard it from the Office of the Actuary within the U.S. Department of Health and Human Services.

I wish to make sure all the American people hear it.

I yield the floor.

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

Mr. ENZI. Mr. President, this health plan being forced on America under phony, tight timelines bites off too much, fails to deliver on promises, and passes the costs on to hard-working Americans.

When the 85 percent of Americans who already have health insurance hear the term "health care reform," they expect Washington to do something that lowers the cost of their health insurance premiums. That reaction should not be surprising, since the President and congressional leaders have explicitly promised that reform would lower health care costs to the average American family.

Unfortunately, the bills Congress has developed will do the exact opposite. These bills will increase health care costs.

Several recent reports have highlighted what I and some of my colleagues have been saying for months. The combination of increased taxes, expensive mandates, and new regulations in these bills will actually increase the cost of health care for most Americans. Unemployment is higher than it has been in decades. The housing market is in distress. There is an out-of-control Federal debt and deficit. More and more middle-class Americans are feeling squeezed by irresponsible decisions being made here in Washington. Unfortunately, the health care

bill being put together by the majority leader behind closed doors—and not on the Web yet—is another example of irresponsible policies.

It is important for the American people to understand how these bills will actually increase their health care costs. I wish to highlight 10 specific ways these bills will increase premiums for Americans and individuals. Taken together, these provisions will increase costs, they will stifle competition, and they will take choices away from families, individual Americans, and small businesses.

Here are the top 10 ways the bills before Congress increase health care costs:

No. 1, the two committee bills rely on taxing the young to pay for the old is what the number crunchers call adjusted community rating. This means the premium charged to a healthy 22-year-old will have to increase to be much closer to the premiums charged to someone who is much older and sicker. This means young people will pay a lot more for health insurance premiums than they do today.

Over 40 percent of the uninsured are between the ages of 18 and 34, the same age group that will be hit the hardest, with the highest price increases, if this bill passes. Experts estimate that in most States, premiums for the youngest 30 percent of the population will increase by 69 percent under the tight age bands being considered in one of the Senate bills. These extreme price increases will force the young and healthy out of the market. Most young people will probably do the math and decide, let's see, I can pay the \$750-a-year tax penalty rather than pay \$5,000 a year more for health insurance. If they get sick later, they can enroll in health insurance later.

No. 2, premiums will increase because of the new federally mandated requirements on health plans. The bill will mandate that most health care plans have to meet new, higher specified actuarial values. If you don't know the term "actuarial value," you are not alone. Let me put this as simply as I can. Actuarial value is a technical term that describes the amount of total health care spending that is paid for by the health plan; in other words, all the benefits and enrollee cost-sharing provisions a health care plan covers. Typically, as actuarial values increase, premiums increase and the cost-sharing requirement decrease. If you are healthy, you cannot opt for lower premiums or for higher copays than your government will tell you or you will pay the penalty.

The bottom line is, experts estimate that 50 percent of the individual market policies purchased today and about 20 percent of the policies purchased by small businesses today have actuarial values that are lower than what the Democrats think you should have, which means millions of Americans will be forced to buy more expensive plans. Compliance with these benefit

requirements could cause premiums for the new purchasers to increase by about 10 percent for individuals and about 3 percent for small businesses. For small businesses, 3 percent is a high rate of profit.

No. 3, premiums will increase because of the new federally mandated benefit packages. All plans must include a long list of benefits regardless of what Americans need or want. Why should a 30-year-old single man be required to pay for ovarian cancer screening? Additionally, at least every year the Secretary of Health and Human Services will be required to define and update—perhaps increase—the categories of covered treatments, items, and services.

Not surprising, what this will mean is that the list of mandated benefits will inevitably get longer and further increase costs. If these bills are enacted, every disease advocacy group, drug manufacturer, and health care provider will hire more lobbyists to see that all health plans are required to cover their unique diseases, treatments, and procedures.

That is no way to run a health care program. I believe consumers rather than lobbyists should decide the benefits package that best meets their needs. Otherwise, there will be more mandates and higher costs.

If this bill becomes law, I would not be surprised if every plan in America is required to cover massages and acupuncture. I am not saying people should not get massages or acupuncture if they want to pay for them, but I don't think all Americans should be required to enroll in a plan that covers every single benefit.

No. 4, premiums will increase because of new excise taxes on medical devices and drugs. The official scorekeepers at the Congressional Budget Office and the Joint Committee on Taxation have been clear in stating that these taxes will be passed on to patients. That means consumers will see the prices of everything from power wheelchairs to pacemakers to prescription drugs, such as Prilosec, significantly increase. These price increases will also ultimately increase health insurance premiums for the millions of Americans who already have health insurance.

You don't use any of those? Remember, insurance is spreading the risks so you get to pay, too.

No. 5, premiums will increase because of the new excise tax on health insurance providers. The Congressional Budget Office and the Joint Committee on Taxation have said these taxes will be passed on to people in the form of higher premiums. This tax alone could raise premiums for a family by \$487 a year.

No. 6, premiums for health insurance will increase when 14 million more Americans are enrolled in the Medicaid Program. Several studies have highlighted how Medicaid's inadequate payments to doctors and hospitals directly increase costs to everybody else by

forcing these providers to make up for their losses under Medicaid by shifting those costs on to private purchasers.

The current health reform bills include the biggest expansions of the Medicaid Program since it was created in 1965, while doing nothing to address Medicaid's inadequate doctor and hospital payment rates. If someone cannot see a doctor, they do not have insurance. This will mean billions of dollars in additional costs would have to be shifted on to individuals who already have health insurance, thereby driving up their premiums. Nearly 40 percent of doctors will not see Medicaid patients because of the low reimbursement rates.

As I said, if someone does not see a doctor, they do not have health care.

No. 7, premiums will increase for so-called Cadillac plans because of the new 40-percent excise tax. Companies will respond to this new tax by shifting the costs on to individuals who are the insured or by reducing the value of the health care benefits they provide. Eventually, this tax will start hitting the Chevys and the Buicks, not just the Cadillacs.

Experts estimate that in many metropolitan areas the lowest option bronze plan—that is what we require—under the Finance Committee bill will be considered a so-called Cadillac plan as early as 2016. This does not even go into effect until 2013.

No. 8, premiums will increase because of the new fee to sell plans in the mandated exchanges. The Congressional Budget Office estimates plans would have to pay a surcharge to sell on the exchange, which would add about 3 percent to premiums.

No. 9, premiums will increase because of the new reinsurance program. This new program will cost Americans \$20 billion, and those costs will be passed on to someone, most like the healthy enrollees.

No. 10, premiums will increase because of the new tax for comparative effectiveness research. Washington bureaucrats will tax patients so the government can decide which treatments are acceptable and which treatments are denied. Rationing? We have seen this story before in other countries such as England. We know this will lead to the delay and denial of care for our seniors. It is no wonder that a recent Rasmussen poll noted that 59 percent of our Nation's seniors oppose the current legislation.

Taken together, the 10 policies I just described will cumulatively increase health insurance premiums for millions of Americans who currently have health insurance. It is another squeeze on our Nation's middle class.

In my home State of Wyoming, a healthy 35-year-old man can currently buy a high-deductible policy for about \$90 a month. The scorekeepers at the Congressional Budget Office estimate the silver plan under the Finance Committee bill will be \$392 a month.

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. ENZI. Mr. President, I ask for 5 additional minutes.

The ACTING PRESIDENT pro tempore. There is only 3 minutes on the Senator's time.

Mr. ENZI. I ask for 3 additional minutes.

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

Mr. ENZI. The scorekeepers at the Congressional Budget Office estimate the silver plan under the Finance Committee bill will increase to \$392 a month. That is over a 300-percent increase. None of the folks I talked with from Wyoming can afford to pay 300 percent or more for their health insurance. In another economic time, this policy would be bad enough. In today's climate, it is irresponsible.

We all agree the health insurance market is broken and needs to be fixed. Everyone who wants health insurance should be able to get it, and they should not have to spend their hard-earned dollars to get it.

No American should be denied health insurance because they have cancer, diabetes, acne, or some other preexisting condition. No one should lose their health insurance because they forgot about an old injury when they filled out a form. No one should be denied health insurance, period.

These reforms are very important and long overdue. However, we can do better. These goals should be implemented in a way that drives down costs for the majority of Americans who already have health insurance. Congress needs to learn from the experiences of the States that have already enacted these types of reforms. The States did not pass reforms with the goal of increasing costs for a majority of their residents, but that is precisely what has happened over time.

We need to enact reforms that will actually reduce costs and make health insurance more affordable. That is what the American people want but, unfortunately, that is not what the current bills do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to speak for up to 10 minutes in morning business.

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

UNEMPLOYMENT INSURANCE BENEFITS

Mr. REED. Mr. President, I again rise to urge my colleagues, particularly from the other side, to join us in passing an extension of unemployment insurance, to stop blocking a program that is so necessary to every person in this country, not just those who are losing jobs but those who are fearful their jobs might be taken away.

This is a national issue, an emergency. It requires attention and action now, not weeks from now. For the last several weeks, we have been trying to get an agreement to proceed. Last week, Leader REID justifiably filed the first of what could be three cloture motions that some on the other side would insist we must proceed through until we can enact this important effort and benefit for 15.1 million unemployed Americans.

Everyone in Congress, regardless of party affiliation, is concerned about jobs. There is no unemployment crisis just in red States or in blue States or in purple States or any color States. This is a nationwide problem. It requires a nationwide solution, and one of the first steps is simply extending unemployment benefits for the people who are running out of these benefits or who may, in fact, lose their employment and need these benefits.

We have to create jobs. That is the ultimate solution to the current economic crisis. We must have a sustainable and robust recovery. We are receiving some encouraging signs. It is estimated that when the gross domestic product for this quarter is reported, it will be about 3 percent, the first time GDP since the second quarter of 2008. But positive GDP is not the answer for people who are looking for work unsuccessfully. They need the benefits of extended unemployment compensation.

This legislation is very straightforward. It ensures that out-of-work Americans can provide for their families, can stay in their homes, and can maintain a sense of dignity while they continue to search for employment in a very difficult market.

Not only is it simply the right thing to do because it demonstrates some degree of recognition of the extraordinarily difficult situation facing so many in this Nation, but unemployment compensation insurance helps to aid the economy. You don't have to be an economist to understand that getting money to people who will spend it quickly on basic necessities spurs demand and helps prevent further erosion of the economy. Yet my colleagues on the Republican side continue to ignore the urgency of the situation.

As stated, last week the distinguished majority leader had to file a cloture motion to proceed to the House-passed unemployment insurance extension. This is unprecedented.

Congress has acted eight times—in 1958, 1961, 1971, 1974, 1982, 1991, 2002, and 2008—to establish temporary programs that provided additional weeks of unemployment compensation benefits beyond regular unemployment compensation and any extended benefits.

Let's take a moment to look back at the recent unemployment insurance extensions under both Democratic and Republican administrations.

President George Herbert Walker Bush signed an unemployment insurance bill into law that passed the Sen-

ate with near unanimous support. Not once, but twice—in November 1991 and February 1992, when the unemployment rate was 7 percent and 7.4 percent, respectively. And we are at a much more serious moment in our economic history today than those years ago.

In July 1992, President Clinton signed an unemployment insurance bill into law that passed with unanimous support in the Senate. The unemployment rate was 7.7 percent.

In March and November 1993, President Clinton signed two more bills into law that passed with overwhelming bipartisan support. The unemployment rate was 7 percent and 6.6 percent, respectively.

In the 1980s, President Reagan signed an unemployment insurance bill into law that unanimously passed a majority Republican Senate. The unemployment rate was 8.8 percent. Months earlier, it was double digits.

These past votes, under Republican and Democratic Presidents and majorities of both parties in the Senate, demonstrate the nonpartisan nature of extending unemployment insurance when the economy is weak and unemployment is high. It is that simple.

In fact, further reinforcing this notion is that the national unemployment rate has now risen to 9.8 percent and may not stabilize until next summer—much higher than the preceding incidents in which, on a bipartisan basis, under Republican and Democratic Presidents, we moved expeditiously to extend unemployment benefits.

Nearly 2 million Americans will exhaust their benefits by the end of the year, but as I speak on the Senate floor, hundreds of thousands of Americans have already exhausted their benefits.

Mr. President, 3,800 Rhode Islanders will benefit immediately from a Federal extension, a majority of whom have already exhausted their benefits going back, in some cases, several months. Hundreds more in my State exhaust their benefits each passing week.

So why are the Republicans sidetracking this legislation? Let's take a look at the list of amendments.

We all, as Senators, have a right to propose amendments, but when they are proposed simply to delay and not to constructively advance an issue, we have to look very skeptically at the amendments. There is an amendment concerning ACORN on which we have already voted. This seems to be just an attempt to delay not an attempt to responsibly legislate.

It is my understanding that Majority Leader REID has made many offers to the other side of the aisle so that the Senate can proceed to the immediate consideration of this critical legislation. It is disappointing these offers have been rejected.

This bill is about stabilizing our economy. It is about helping Americans who, through no fault of their

own, cannot find work. It is about this body, the Senate, taking action on behalf of people.

I urge immediate consideration of this extension. I hope we can pass it tonight rather than be forced to another series of pointless and political cloture motions.

I want to briefly mention another proposal related to this issue that is important to consider which would help in this terrible crisis of unemployment.

I have introduced the Keep Americans Working Act to strengthen and expand work share programs. These are programs in which 16 States, at the moment, pay a portion of unemployment benefits if the employer keeps the person on the payroll but reduces their hours to reduce costs and continues to pay their benefits—their pension and health care.

So far this year, approximately 137,000 layoffs have been averted in States that have this program. We have a breakdown of the 16 States. In 2008, 58,000 Americans were taking advantage of the work share program. They would work for 3 days a week, for example, and they would be off 2 days. They would receive unemployment compensation pro rata for those 2 days. The employer would keep benefits flowing, in terms of health care. They would have valuable workers not sent away from the firm but still engaged in productive activities.

I visited a firm in Rhode Island that has this program. It is wildly popular with not only the workers but also with the managers. In Rhode Island, we have jumped from 2,800 last year to 5,400 this year, and it is rising.

When I was at this plant, one of the workers said: This is the only way I can keep paying for my mortgage; this is the only way I can keep paying for the food we put on the table for our children. And the plant manager said: This is the only way I can keep a valuable worker so I can keep producing. I think it is a program that deserves close attention. This program in Rhode Island has helped many people avoid being completely laid off, and it has also helped the drain on the unemployment compensation fund because paying a pro rata share is a much better deal for the fund than paying the full benefits when someone is laid off completely.

There are 16 States, as indicated here. They rank from Arizona, California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Maryland, Minnesota, Missouri, New York, Oregon, Rhode Island, Texas, Vermont, and Washington. Again, this program is not a one-State, one-region, one-area program. This is a national program which I hope can be emulated by the other States. It is a win-win, and I hope we can move forward and take up this legislation as a complement to what we are proposing in the extension of unemployment benefits.

The real key, though, ultimately is to get the jobs flowing again, and that

is something we have to work on. That is something on which we have made some progress but not sufficient progress. We can't rest until there is confidence again that throughout this land people have a job, they feel confident they can keep it, they can provide for their families, and they can contribute to this great Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

ADDRESSING AMERICA'S PRIORITIES

Mr. DURBIN. Mr. President, I wish to commend my colleague from Rhode Island for his statement on the unemployment situation facing our country and also join in his remarks with some concern and dismay over the opposition of the Republican Senators to extending unemployment benefits.

Tens of thousands of people in my home State of Illinois and all across the United States have been unemployed for long periods of time and have now reached the end of their eligibility for unemployment compensation. They are still unemployed. They are still trying to keep their families together, pay the rent, put food on the table, pay for some medical bills, and they need unemployment compensation for that to continue. So we have proposed extending unemployment compensation benefits—the safety net for America—while they look for jobs and while this economy starts ever so slowly to turn around.

The opposition comes from the Republican side of the aisle. They oppose extending unemployment compensation benefits. You think: How could they rationalize that in an economy where there are six unemployed people for every available job? Their answer is: We have other, more important things we want to debate on the floor of the Senate.

Well, let's take a look at what those are. First, they want to return to the debate over an organization known as ACORN. ACORN is an organization that has not been in business in Illinois for 8 or 9 years, so I don't know any of the leaders in that organization personally. I can't say that I can recall working with them on any major issues. But you remember the videos a few weeks ago, those alarming videos of some ACORN employees who were apparently conspiring with people on how to break the law. Those employees have been fired, as they should have been. They should be investigated, and if they are guilty of criminal activity, they should be prosecuted. That is clear. But that is not enough for those who listen to the rightwing cable and TV shows. There has to be more.

Well, I have called for a full investigation of ACORN. I want the Government Accountability Office to find what Federal monies have been spent with that organization and make sure it was spent honestly and spent well.

An investigation is appropriate. It is known as due process. But that is not enough for some on the Republican side of the aisle.

One Senator from Louisiana wants to go further. He wants to offer another amendment to flog ACORN, and he is holding up unemployment benefits in Louisiana and Illinois and across the Nation until he gets his amendment, until he can make his speech, until he can beat on ACORN again. Well, that may be his idea of serving the public need. It is not mine. Let's save that debate for another day, if we have to have it at all. Let's not make thousands of people in Louisiana and Illinois—currently unemployed, desperate to keep their families together and a roof over the heads of their children—suffer because a Senator here wants to debate whether we can think of some new way to punish ACORN. You know, for most people, as President Obama said the other day in an interview, there are many more important things in life than this organization and the sorry conduct of a few employees. But for this Senator, it is enough to hold up unemployment compensation for literally hundreds of thousands of American people. That is the reality.

In addition, there is a program called E-Verify. E-Verify is a way to try to establish that a person applying for a job is actually a citizen. They want to use computers, accessed through telephones and computers, to determine whether the identity and the Social Security number given to the employer are, in fact, valid or illegal. It has been a tough program to get up and running. In fact, it is loaded with enough uncertainty and error that some question whether we should pursue it until we have worked out the details. Innocent people were caught up in the E-Verify early days and identified as not being legal when in fact they were. So what we have done is to extend this program for 3 years while we work out obvious problems with it.

One Senator on the other side of the aisle said it is not enough. I am going to hold up unemployment benefits, he says, until this program is extended permanently. Well, that is a worthy debate and topic, but is it worthy enough to deny unemployment compensation benefits to thousands of people out of work while we debate whether E-Verify should be extended 3 years or permanently? Doesn't seem to rise to the same level of importance, in my estimation.

That is what is holding up unemployment benefits for hundreds of thousands of people—amendments like that from the Republican side of the aisle which, to my way of thinking, don't really measure up to the gravity of the issue we are considering.

I wish those Senators from the States offering those amendments would go back home and meet some of these unemployed people, maybe sit down and buy them a cup of coffee, talk with them about what their lives

have been like being out of work for 2 or 3 years, what it means to have no health insurance because you lost your job, folks who have exhausted their life savings and now don't know which way to turn. I get e-mails and letters every day from them, people across my State. And these are not folks who have drifted in and out of work; many of them have worked uninterrupted for 25 or 30 years and now find themselves out in the street through no fault of their own. They are trying their darndest to find a job, to improve their skills so they are more marketable, and we should give them a helping hand.

Incidentally, the money that pays the unemployment compensation benefits comes from a fund to which they contributed. While we work, we put a little money away in a fund on the possibility that someday we will be out of work, and if it ever happens, then we are given at least enough money to get by while we look for a job, from that same fund. It is a basic insurance policy. These folks who are caught up in a tough recession need an extension of their benefits for some additional weeks—20 weeks is what our bill provides.

So for those who argue that this is some form of welfare, I would like to correct them. These are benefits paid out of funds paid in by workers across America and employers, and it is a fund that needs to be exercised right now, to be used right now for their benefit.

Mr. President, I am also concerned about some of the debate I have heard on the floor this morning from the other side when it comes to health care reform. I would like to stand here and compare the Democratic proposal for health care reform and the Republican proposal for health care reform. Now, that would be a good debate. But unfortunately I can't because there is no Republican proposal for health care reform.

One of the elements of our Democratic approach in the Senate will be something called opt-out. To put it in a nutshell, we are trying to create a not-for-profit health insurance company to compete with private health insurance companies so there will be actual competition—to keep them honest—and we try to bring costs down. We know private health insurance companies are exempt from antitrust laws. They can fix prices, they can allocate markets, they can jam through increases in premiums, and there is not much you can do about it since there is no competition. So a public option, a not-for-profit health insurance company, would be competitive.

There are some who argue against that and say that goes too far. Even though it is not government-run health insurance like single payer—it is a not-for-profit option—they say it goes too far. So the Democratic approach to health care reform says that individual States can decide whether they want to

have a public option available to the people who live there. If the State of Iowa, whose Senator came to the floor this morning, decides they don't like a public option, they can opt out of the public option. It is their choice. Each State can make that choice. That is what opt-out is all about.

Opt-out is also what the Republicans' strategy on health care is all about. They have opted out of this debate. Take an example: The Health, Education, Labor, and Pensions Committee considered over 500 amendments to health care reform. Among the amendments adopted were 150 Republican amendments, accepted in the committee. Some were technical, some were substantive, and in good faith they were debated and agreed to. Once 150 amendments were added to the health care reform bill in the HELP Committee. The vote was called, and when it was called, not a single Republican Senator would vote in favor of the bill they had just spent weeks amending.

It turns out there is only one Senator—Senator OLYMPIA SNOWE of Maine—who joined in the Finance Committee to report out a bill. She is the only Republican Member of Congress, House or Senate, who has actually voted for health care reform. All of the other Senators who have come to the floor criticizing what we are putting forward as our draft proposal on health care reform have not voted for it and have not produced an alternative.

The need is still there, and the need is very serious. Let me give an example, if I can, about the need in terms of a real-life story back in my State of Illinois.

There is a young man named Marcus Evans. Marcus reached a point in life where he couldn't walk upstairs without losing his breath, and he knew something wasn't right. He is 17 years old, and he began suffering from shortness of breath, which kept him out of pickup basketball games but even made it difficult for him to walk around his house. He went from doctor to doctor trying to figure out the problem, but he was uninsured—one of 47 million Americans uninsured.

The ACTING PRESIDENT pro tempore. The Senator's 10 minutes has expired.

Mr. DURBIN. I ask unanimous consent for an additional 5 minutes.

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

Mr. DURBIN. So Marcus Evans, being uninsured, couldn't find a doctor to diagnosis his problem.

At the time, Marcus's mom was a working mother of two. She worked as a part-time dental assistant. She didn't receive health insurance through her job and her family did not qualify for Medicaid, which is health insurance for poor people.

For 3 years, Marcus tried to get medical care without success. He was re-

peatedly told that more tests couldn't be done. He was told they were just too expensive, and he was basically told nothing was wrong. In fact, something was very wrong. Marcus Evans was suffering from t-cell lymphoma, a form of cancer that affects the lymph nodes. Do you know how he received the diagnosis? After Marcus's aunt called 911 because her nephew literally couldn't breathe, he was rushed to an emergency room where he received, finally, an MRI—his first MRI after years of visits to doctors with no diagnosis. That test revealed a significant malignant tumor pressing on his esophagus, which explained the symptoms he had been complaining about for more than 3 years.

Marcus said:

I nearly died before I got the proper health care. It took a lot for them to actually do the test.

Well, that is the situation that is familiar to millions of Americans—people who either don't have insurance or don't have much insurance. They are unable to afford health care premiums for preventive care out-of-pocket, and it takes a severe complication and a trip to an emergency room before they receive any appropriate medical care. They earn too much money for public aid and too little money to afford private health insurance.

For Marcus, a disease that could have been caught and treated when he was a high school student went undiagnosed for years as he tried and failed to get quality treatment. Instead of going away to college after graduating from high school, Marcus found himself stuck at home too sick and too scared to leave home.

Today, after chemotherapy and successful surgery, Marcus is in remission and working to put his young life together. His struggles aren't over. Most of his friends have debts from student loans; Marcus owes more than \$100,000 in medical bills at the age of 21—\$100,000—even after the hospital forgave him \$40,000 for his hospital stay.

Still, he is trying to move forward. He is enrolled as a part-time student at Chicago State. He has a little job with the city, a job that provides him at least some health insurance. It could have made a difference in his life many years ago.

Here is what he said:

I see the difference when you have insurance and when you don't. It's like night and day. When I didn't have insurance, they just pushed me aside.

Marcus doesn't blame the doctors who told him he was suffering from nothing more serious than asthma. He said he understands doctors were faced with an impossible choice caused by our Nation's dysfunctional health care system.

He said:

Doctors shouldn't have to worry about whether a patient has insurance. No decision should have to be made except let's take care of this person.

It is simple logic, common sense. That is what health care reform is all

about, and it poses very fundamental questions for us in this country: Who are we? What do we stand for? Are we going to change the current system?

There are those fighting change in the system, and those leading the fight are health insurance companies. They are making plenty of money under the current system even though causes such as Marcus Evans' end up being untreated, and young men end up suffering as a result of it.

That is why this health care debate is so important. I hope at some point, a couple, maybe even three Republican Senators would step up and say: We want to be part of this historic debate. We don't want to stand on the sidelines and complain about the plays that are being called. We want to be into the actual field of battle to help craft a bipartisan bill.

So far they have turned us down every step of the way except for one Senator, Ms. SNOWE of Maine. I hope that can change, and I hope those who come to the floor every day and complain about health care reform will take 1 day to propose their suggestions. What do they want to do? If they want to stick with the current system, if they do not want to change health care as we know it today, have the courage to stand up and say just that. But, unfortunately, they have said over and over again: We want to criticize. We want to opt out. We don't want to be part of this debate.

That doesn't solve the problems our Nation faces.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first let me compliment my colleague from Illinois. He is right that the health care system in this country is in need of repair or reform. He is right also about the people who are out there believing they are insured when in fact they are one serious illness away from bankruptcy.

Ten years ago in Fargo, ND, I met a woman who had \$600,000 in the bank. She said she had a job, she had health insurance, and she had equity in a home. Ten years later it was gone. She has a very serious illness. She is a quadriplegic and needs a substantial amount of care, and all those assets are gone. She had insurance and all those assets are gone because her insurance had a cap.

A lot of people don't know that. They say: I have health insurance. Their insurance often has a cap on how much the insurance company will pay in the aggregate, which means they are just one serious illness away from bankruptcy. That is just one among others of the reasons there needs to be some change with respect to the health care issue.

I think this will be difficult. I commend the majority leader for trying to put a bill together. It will come to the floor of the Senate. We will have an op-

portunity to review it and offer amendments, which is the way it should be. My hope is at the end of the day we will be able to advance the issue of health care and improve the health care system in this country.

FEDERAL RESERVE POLICY

Mr. DORGAN. Mr. President, I wanted to mention very briefly—and I will speak about this a bit more later—the daily news about the payment of very large bonuses by some of the largest financial firms that received TARP funds or other funds from the Federal Government to try to keep them afloat during difficult times last year. The notices of the bonuses and profits of those firms at this point are very troubling to me and to a lot of other people.

I want to mention that a group of us a while back wrote to the Federal Reserve Board asking the Federal Reserve Board to release information about how much money went out the back door of the Federal Reserve Board when, for the first time in history, they allowed investment banks to come to the loan window of the Federal Reserve Board and get direct loans. For the first time in history, last year, they did that.

Now the question is, Who got money from the Fed's direct window? Under what conditions did they get that money? How much money did they get? A lot of us have asked the Federal Reserve Board to release that information.

Is that information important? It sure is, to me. Are the companies that are now proposing to pay the very large bonuses the same companies that got money out of the direct loan window of the Fed for the first time in history? Probably. What conditions were attached to that money? What were the rates, if any? We would like to know the specifics.

On September 16, the Chairman of the Federal Reserve Board wrote back to us saying that releasing these names would hinder the Fed's assistance efforts.

That is just a specious argument. The American people's money is put at risk. The American people have the right to know how much money went out that direct lending window at the Fed. We have a right to know—Members of Congress, the American people have a right to know. The Federal Reserve Board is saying we don't have a right to know and they don't intend to tell us.

I am going to talk about this a bit more later. There was a related FOIA case in which a judge found the Federal Reserve had "improperly withheld agency records." The judge called the Fed's argument that borrowers would be hurt if their names were released—the judge says "that was conjectural, without evidence of imminent harm."

Despite the fact that the judge has determined that, we still don't have a

release of this information. In a news article of a congressional hearing, it said a Federal official said the Fed was "giving serious consideration" to releasing the names of firms that received assistance.

In the same article they quoted Fed General Counsel Scott Alvarez as saying at the hearing:

We would be happy to work with you to establish procedures for disclosure.

A few days following that a Bloomberg news article said:

The Fed had decided to appeal the ruling that had ordered the Fed to release the information.

The question is, Why does the Fed believe we and the American people do not have a right to know? It makes no sense to me. I am going to speak about this at greater length later, but, clearly, as big bonuses are going out the back door, don't we have a right to know how much money went in the front door from the Federal Reserve to these institutions? How much, at what rate, and so on? I am going to continue to ask these questions.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business has expired.

EXECUTIVE SESSION

NOMINATION OF IRENE CORNELIA BERGER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I rise to speak on precisely the issue the clerk reported. That is something which is extremely important to me and also extremely important to the people of West Virginia, a historic decision we are going to make.

Today the Senate will consider the nomination of Judge Irene Berger to serve on the U.S. District Court for the Southern District of West Virginia. I have had the pleasure of knowing Judge Berger for many years and having a very high regard for her and liking her very much for many years. I continue to be amazed by her tremendous intellect, her calmness—a very marvelous calmness which speaks of integrity and knowledge and fearlessness in the face of whatever may come

up—and, of course, her complete dedication to public service, which I will talk about.

She is a phenomenal person and a true professional, which is why I am so proud to join with Senator BYRD in recommending her to the President for this judgeship. Without any doubt, Judge Berger is one of the most qualified people to serve on the Federal bench. She truly is unmatched—in her professionalism and in her experience and in her demeanor—for this position. She has the temperament that should be expected of any judicial nominee, which is not just calmness and the right demeanor, but she embraces the courtroom, masters the courtroom. She is in charge of the courtroom. It is a wonderful thing.

She is very smart, obviously. She is very fair. She is dispassionate, she is rational, she reaches her decisions in a very calm and deliberative way, showing respect and equal treatment to all claimants before her in the courtroom.

I think it is perhaps, and I would judge, her upbringing that helped Judge Berger to be the outstanding person and judge that she is today. She grew up in a very large family in one of the four poorest counties in the United States of America. She worked hard, got a good education, and ultimately earned her law degree from the West Virginia University College of Law.

Rather than seeking—which would make some sense in view of what she had been through—a high-paying job in a corporate law firm, which would have been hers just for the asking, so to speak, she decided to do what is natural to her, which is to give back to her community and to her State by devoting her entire 30-year legal career to serving her fellow West Virginians. In so doing, she has gained profound experience at nearly every level of our judicial system.

She began her career as a legal aid attorney, protecting the rights of our State's most vulnerable citizens, and then kept our communities safe by serving for 12 years as a prosecuting attorney in Kanawha County, WV, which is the county in which I live. She would go on to serve briefly as an assistant U.S. attorney for the Southern District of West Virginia before being appointed to fill a vacancy as a circuit judge for the Thirteenth Judicial Circuit of West Virginia, a position she held for 15 years.

As an attorney and a jurist, Judge Berger's hard work and determination have earned her the unqualified respect of all of her peers. Federal judges—everybody has written in saying this is the best person.

After her initial appointment to the circuit court, the voters of Kanawha County, WV—and that was part of why that position in the court is different from the one she is now hopefully going to be voted into—voted three times to keep her in that office because of her reputation as an honest, thoughtful, and skilled jurist.

I think we all agree the Federal judicial system is fundamental to our democracy's continued vitality, and there is absolutely no one I trust more than Judge Berger to faithfully and skillfully serve in this enormously important role.

Those are words, of course, but they are words, in my case, that come from deep within me. The American people deserve to know when they enter the courtroom that their judge is committed to justice and to equality and will treat them fairly, and that is exactly the type of judge Irene Berger is and will continue to be if we make that possible.

She made that clear in her confirmation hearing by saying:

I want to say very strongly that I will ensure that all parties are treated fairly and equally. They will be heard equally, be they rich or be they poor.

Judge Berger has also remained an integral part of our community and our State. With her uncommon wisdom and insight she assumed leadership positions, obviously, within the court system and has been called to serve and agreed to serve on a number of boards of nonprofit organizations and educational institutions.

She's writ large in life in West Virginia. I just have to say that. Her honors and awards are many. I almost hesitate to mention them because that is what everybody does, but it should be said: West Virginia College of Law, Outstanding Woman of Law Award; YWCA Woman of Achievement; the American Bar Association Foundation Fellowship; West Virginia University's Outstanding Alumna; and the NAACP Image Award for Leadership, to name just a few.

I am perhaps most impressed by Judge Berger's courage and determination and her refusal to back down from any worthwhile challenge. She was one of the first students to integrate her local elementary school in McDowell County. That was not easy. McDowell County is the most southern county in West Virginia and, in fact, most of it is south of Richmond, VA.

She is the first in her family to attend college. That can only be admirable. That can only talk about sacrifice and determination in a close family unit, family values. She was the first African-American woman to serve as a circuit court judge in West Virginia.

If confirmed today, she would, I proudly say, become the first African-American Federal judge in the history of West Virginia. Granted, the history of West Virginians is not as long as the history of New York. But it goes back to 1863, I would say to the Presiding Officer, and we are very proud of that.

I would like to close by personally thanking Judge Berger and her family. Her dedication to her country and State means so much to me. I wish to see her confirmed. I am not a lawyer, but I have been in West Virginia a long time. I started as a VISTA volunteer. I know a good person when I see one.

Her willingness to assume this important role speaks volumes about her character as a person and as a judge. I would like to thank President Obama for his leadership in nominating Judge Berger for this position. He could not have selected a more qualified person. I cannot wait for them to meet.

Finally, I would also like to thank Majority Leader REID, Minority Leader MCCONNELL, Chairman LEAHY, Ranking Member SESSIONS, and the whole Judiciary Committee for allowing us to move forward on this critical nomination by, I will have to say, a unanimous vote for forwarding her nomination.

We can rest assured Judge Berger will serve with enormous honor and distinction, as her predecessor, the Honorable David A. Faber, served before her.

I am proud and all West Virginians deserve to be proud and are proud, even if they have no idea what is going on right now, as one of our own premier legal minds and unwavering leaders continues to serve our Nation and the cause of justice.

I yield the floor, and I ask unanimous consent that all quorum calls during the debate on the Berger nomination be equally charged to both sides.

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

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Madam President, I know time has been reserved for Members to debate the confirmation of a district court judge in West Virginia. I certainly support that confirmation. It is interesting that there are not too many Senators coming to talk about this particular judge, even though there was a request that we reserve time on the floor in order to debate the nomination.

I raise this because there are four nominees ready for confirmation to the courts of appeal and six district court judges who are ready for confirmation, having been moved through the committee, who, for some reason, Republicans are now not allowing us to bring to the floor for confirmation. This is a deliberate effort to try to slow pace of the confirmation process of Federal judges appointed by President Obama.

I think this is wrong, and people should understand it. In my own circumstance in Maryland, we have a judge who has been approved by the committee for the circuit court of appeals, Judge Andre Davis. A hearing took place in April of this year. The Judiciary Committee reported out his confirmation by an affirmative vote of 16 to 3. This is clearly a nonpartisan

recommendation. Judge Davis is highly respected by members of the bar in Maryland. He has 22 years' experience as a district court judge. He has handled all types of cases. He has been recommended as being fair and even-handed and is ideally suited to serve on the appellate court. He will add diversity to the court, being the third African American, when he is confirmed, and he will be confirmed. There have been anonymous holds put on appellate court judges on a rotating basis and, in some cases, on district court judges, in an effort to slow down the process.

When we get a chance to vote on his confirmation, whether it requires a cloture vote or not, he will be overwhelmingly approved, as he should be. He is well qualified to serve on the appellate court.

I am somewhat perplexed. Floor time is valuable. Time has been set aside now to talk about the confirmation of a West Virginia district court judge. Yet I don't see too many Members rushing down to speak. Why haven't we brought up the other six district court judges ready for action? Why haven't we brought up the four appellate judges, if there is a desire to debate, so we have time now. Let's debate the issue. If there is a need for a vote, let's determine how much time is necessary and then let's get a vote. If there is a sincere effort to filibuster, which I find regrettable, then notify the leadership. Let's schedule a cloture vote on these nominations.

The bottom line is, this is an abuse of the rights of an individual Member of the Senate, and certainly it is wrong for us to hold up the confirmation of judges who are prepared to take on this public responsibility. There is a bill pending that would create new judges. Why don't we fill the current vacancies? Why don't we get these appointments to the floor and vote on their confirmations?

I know in Maryland there is strong support for Judge Davis's confirmation. I hope we can work out arrangements and bring these nominations forward and carry out our responsibilities to vote up or down those who are nominated to serve on the Federal bench.

I know there have been accusations made back and forth. I opposed several of President Bush's nominees to the court. In each case, I made it clear I was prepared to vote at any time. I never delayed consideration of those appointments, including those to the appellate court. They were brought forward, and we voted them up or down. All I am saying to my Republican friends is let's bring these nominations to the floor of the Senate; let's get a chance to vote on these nominations; let's not schedule time to talk about a district court judge and that person's confirmation, when in reality there has been very little interest shown in coming forward.

I see the distinguished ranking member of the Judiciary Committee. He has been fair and has tried to work this

out. I don't know what the issue is on his side on an individual Member objecting to other judges coming forward. I hope we will have a chance to bring forward other nominations so we may move forward with one of the principal responsibilities of a Senator, to act in the confirmation of Federal judges, to give advice and consent to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I rise to speak on President Obama's nominee to the district court for the Southern District of West Virginia, Judge Irene Cornelia Berger. The historic significance of her nomination should not be lost on anyone. If confirmed, she will be the first African American to serve on the Federal bench in the State of West Virginia. She has had a distinguished career. She has been a State judge for the last 15 years. Before that, she was a State prosecutor for 12 years and a lawyer for the Legal Aid Society. I enjoyed the dialogue we had during her confirmation hearing and was especially pleased to see her responses to the questions for the record. She indicated in those answers outright that she did not agree with the empathy standard President Obama has used, saying:

A judge should apply the law to the facts of a case without being influenced by sympathy or empathy.

She further stated that it is never proper for a judge to indulge his or her own sense of empathy in deciding what the law means. I wholeheartedly agree and am pleased to be able to support her nomination. The President's nominations deserve deference, although we do have a constitutional responsibility to examine the nominees, to ask the tough questions, to support them when we can and to oppose them when that is the appropriate action.

I commend Chairman LEAHY on the pace of his hearings. Last week, the committee held its 16th judicial nominations hearing. But I wish to set the record straight about a few things. At this point in his Presidency, President Bush had nominated 60 judges, but only 22 nominees had hearings. In contrast, President Obama has nominated only 23 judges, including a Supreme Court nominee, which took a great deal of our time, as it rightly should. Yet 16 of his nominees have received hearings.

The Senate Judiciary Committee is doing its job. We are processing nominees at a reasonable pace, in a fair and bipartisan manner. There are those who say that Republicans are slow-walking nominees. I suggest that is a preemptive accusation to complain about something they think might happen. It is not happening, in my view. The raw numbers show that. Those same individuals also claim that the vacancy rate on the Federal courts is higher now and, therefore, we need to confirm more judges than we did during President Bush's first 2 years in

office. However, the need to fill vacancies does not undercut the responsibility to properly vet those lifetime appointments.

Furthermore, we can only process the nominees we have before us. There are currently 22 circuit court vacancies but only 9 nominees before the Senate. There are 75 district court vacancies and only 10 nominees before the Senate. This chart shows that. These are the vacancies in blue and the red represents the circuit court nominees. These are the only the nominations we have received so far. To date, President Obama has announced a total of only 23 nominees, one of which was a Supreme Court nominee. By this time, the Bush administration had sent the Senate 60 nominees, almost three times as many.

Over the past few weeks, I have heard the chairman of our committee come to the floor and state that the pace of confirmations is not acceptable. I wish to point out a few numbers to those who now say Democrats confirmed a significant number of President Bush's nominees. As I told the chairman, I hate to get into this. We have been doing this for a number of years, but I am not going to remain silent while the record is distorted. We need to talk about perspective, and if we are going to continue to have tit-for-tat, I will be down here to explain the other side of the question.

President Bush had fewer nominees confirmed than any two-term President in modern history. President Clinton had 377 confirmed; President Bush only got 326. President Clinton was also able to confirm two Supreme Court nominees. Under the Bush administration, the Democrats held up qualified nominees for years in some cases, denying an up-or-down vote even though a majority of the Senators were ready and willing to confirm.

There are those who say the Republicans are filibustering nominees, and to them, I say that is not correct. A hold is not a filibuster. When a Member of this body has concerns about a nominee, they have a right to put a hold on that nominee. The majority leader has the prerogative to file cloture on that nomination. There were nominees that I have strongly opposed and have voted against, but I voted for cloture when the majority leader sought to bring up the nomination so the nominee would get an up or down vote. That is the way you overcome a hold.

Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The minority has 15 minutes remaining.

Mr. SESSIONS. I think most of us in this body who were here remember that soon after President Bush was elected in 2000, a group of well-known liberal professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein—he is the one who has recently been appointed by President Obama to one of his administration posts who believes animals should have

lawyers appointed for them—met with the Democratic leadership. The New York Times reported at that time that they proposed changing the ground rules of the confirmation process. They proposed that Senators consider a nominee's ideology. For the first time in the history of the country, they proposed that the burden be shifted to the nominee to somehow prove they were worthy of the appointment instead of having the Senate respect the presumptive power of the President to make the nomination and then object if there was a disagreement. This was a major change in the history of the Senate. It was done by the Democrats when we had a Republican President.

It was clear to me then that as a result of that meeting, a majority of the Democratic Members of the Senate agreed. After the Democrats took control of the Senate a few months later when Senator Jeffords changed parties, the Senate confirmed only 6 of President Bush's 25 circuit court nominees. Five nominees had bipartisan support, and two were prior Clinton nominees. President Bush renominated two prior Clinton nominees. They confirmed them, but only a few others were confirmed. Yet the majority of President Bush's first nominees nominated on May 9, 2001, waited years for confirmation.

Priscilla Owen was nominated to the Fifth Circuit, a fabulous supreme court justice in Texas. It took 4 years for her to be confirmed. She was on the short list for the Supreme Court. She is a brilliant justice.

Now-Chief Justice John Roberts was nominated at that time for the DC Circuit—one of the most brilliant Justices I have ever seen come before the Senate. It took two years for him to be confirmed, and he had to go through two hearings.

Jeffrey Sutton, another brilliant nominee to the Sixth Circuit Court of Appeals, was confirmed but only after 2 years in 2003.

Deborah Cook was nominated for the Sixth Circuit—it took 2 years to get her nomination confirmed.

Dennis Shedd, nominated to the Fourth Circuit—it was a year and a half before he was confirmed.

Michael McConnell, a brilliant lawyer—and so is Dennis Shedd, but McConnell is a real intellectual—for the Tenth Circuit, it took a year and a half before he was confirmed.

Terrence Boyle waited almost 8 years, until his nomination lapsed at the end of President Bush's term. He never got a vote.

Perhaps the most disturbing story was that of Miguel Estrada, who was a brilliant, outstanding, well-qualified consensus nominee. He was nominated to the DC Circuit on May 9, 2001. He waited 16 months just to get a hearing—16 months—only to be confronted with unreasonable requests for more information. After almost 2 ½ years in limbo and a protracted 6-month long filibuster battle, we brought his name

up a number of times, and he was blocked by filibuster. Mr. Estrada withdrew his name from further consideration, and we remain baffled as to why such a fine nominee was treated so poorly. His character was attacked and his nomination was ultimately blocked for no reason other than the fact that some said he was so capable he would have been on the short list for the U.S. Supreme Court.

I don't say all of this to say there is going to be payback. I do not believe in that. It is time for us to move forward with judicial nominees in the right way. I am saying this to set the record straight because I will not stand silent and have what is happening today be compared with the incredibly obstructive actions the Democrats took in early 2000.

That said, this Senate, when I think of many of its Members, understands that it would be wrong for us to be a rubberstamp for every nominee. We have a constitutional duty to vet nominees. As a minority party, we have a duty to ask the important questions that may not be asked at other points in the process.

During his campaign, President Obama pledged he would strive for a bipartisan administration, but the President has failed to put action behind those words in a number of instances. He has refused to renominate some of the noncontroversial consensus circuit court nominees who were not confirmed by the Senate in the last Congress, as President Bush did when he took office. For example, Glen Conrad had the support of his Democrat home State Senator. Yet he was never given a hearing before the end of the Bush administration. Peter Keisler had broad bipartisan support from lawyers and colleagues throughout the country, a brilliant and capable nominee, but never got a vote. He was denied a vote by the Democratic leadership. In addition, Mr. Keisler was praised in the Justice Department Inspector General's report, one that dealt with the danger of politicizing the Department of Justice. The IG examined it and praised Mr. Keisler because he spoke and acted in opposition to those who appeared to have allowed political considerations to play a role in hiring decisions. He focused on the candidate's qualifications. But rather than being rewarded for his courage, he fell victim to the very partisan wrangling he stood against.

Now, I think President Obama chose to set an aggressive tone by nominating Judge David Hamilton, a former board member and vice president for litigation of the Indiana chapter of the ACLU, as his first circuit court nominee. Judge Hamilton's nomination is clearly controversial. It was only exacerbated by the rushed hearing schedule on his nomination. Indeed, I think it is fair to say he is outside the mainstream of even President Obama's nominees. Instead of embracing the constitutional standard of jurispru-

dence, Judge Hamilton has embraced this empathy standard, this feeling standard. Whatever that is, it is not law. It is not a legal standard. He has said that he believes a judge will "reach different decisions from time to time . . . taking into account what happened and its effect on both parties, what are the practical consequences."

Judge Hamilton also appears to have embraced the idea of a living Constitution. In 2003, he indicated in a speech that a judge's role included writing footnotes to the Constitution. I am not aware that a judge has the power to write footnotes to the Constitution, which has been ratified by we the people of the United States of America.

When Senator HATCH questioned him about these comments in a followup question, he retreated somewhat but then gave a disturbing answer in the next question about judges amending the Constitution or creating new rights through case law.

This judicial philosophy has clearly impacted his rulings. He issued a number of controversial rulings during his time as a district court judge and has been reversed in some very significant cases. So that is why he is having difficulty on the floor of the Senate and has not moved forward.

Yet the Democrats will not call up another nominee, Judge Beverly Baldwin Martin for the Eleventh Circuit, on whom everybody is prepared to vote.

Andre Davis, whom we have heard about before, has been nominated to the Fourth Circuit. We have had a number of battles over the failure to fill some of the vacancies on that court. President Bush submitted a number of nominations and couldn't get them up for a vote. For example, Judge Robert Conrad, Judge Glen Conrad, Steve Matthews, and Mr. Rod Rosenstein. Mr. Rosenstein was nominated to a seat designated as a judicial emergency on November 15, 2007—the very seat for which Mr. Davis has now been nominated—and he was held up. These vacancies were basically maintained by our Democratic Senators from Maryland for 9 years. The ABA rated Mr. Rosenstein "unanimously well qualified." He was unanimously confirmed as U.S. attorney for the District of Maryland. He held several positions in the Department of Justice under both Democrat and Republican administrations. But he waited 414 days for a hearing that never came. His nomination was returned in January of this year.

In 2008, a Washington Post editorial stated that:

Blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit and would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.

So after a few weeks went by, the Democrats were already blaming the Republicans, saying they are not moving fast enough on Mr. Davis, who has some serious problems in his background, and I just have to say I am

concerned about it. He has been reversed quite a number of times. But he certainly has had his hearing. He had a hearing 27 days after his nomination, and he was voted out of committee on a split vote just 36 days later.

There is no question that Mr. Davis is a good man, but his record is a cause for some concern. He has been reversed by the Fourth Circuit numerous times in cases where he misapplied the law, including six criminal cases where he threw out evidence that could have been used to help convict a criminal. He was reversed at least six times in cases that he had wrongly dismissed because there remained unresolved issues between the parties. He dismissed the case in its entirety and the parties had to appeal. Six times he was reversed at great expense and delay. If he didn't accurately assess the facts or apply the law in these more simple cases at the Federal trial court level—some of them are not so complicated; others are—is he qualified now to be on the Fourth Circuit? So these are the concerns we have.

Mr. Chen, a U.S. magistrate, was recently nominated for the Northern District of California. He stated that he finds “most rewarding . . . contributing to the development of the law via published opinion, especially if it comports with my view of justice.” That is pretty nice if you can develop the law—in other words, make law and make sure it comports with your view of the law. A judge is supposed to be a neutral umpire. They are not supposed to use their moment on the bench to rewrite the law to make it say what they would like it to say. If they would like to write the law, let them run for Congress.

Mr. President, Judge Chen made a number of speeches and statements about which I am concerned. I will not go into that today. But these are some of the nominees who are going to have some difficulty on the Senate floor.

Most of the nominees, such as the one on whom we are about to vote, will go through in an expeditious manner. Too often a problem we are dealing with is that there is a philosophy out there—I don't think it is a legal philosophy but rather nonlegal—that it is legitimate for a judge to look outside the law in judging, and that it is legitimate for their personal policy preferences and those matters to impact their decisionmaking.

We are talking about a lifetime appointment to the Federal bench. There is no opportunity to examine the nominees after they have been confirmed. They should demonstrate that they will not render rulings that go beyond the plain meaning of the law.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and just say that I intend to support this nominee. I will conclude by saying that those of us in the minority intend to give these nominees a fair hearing and to allow the majority of them to

have up-or-down votes promptly. But those we think should be objected to will have a difficult time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, I know my friend from Alabama mentioned the ongoing issues of filling the judicial vacancies. We can talk about individual cases, and I am more than happy to do that. But I think we need to look at the record, at the number of judges, the number of vacancies, and the record during the different administrations.

There is a disturbing trend that is developing with the Republicans blocking President Obama's confirmations by inaction, by not allowing us to, in fact, bring those nominations to the floor for a confirmation vote.

I am going to use two charts to point out the differences we have seen with Republicans using tactics to deny confirmation votes and the time during the years when President Bush made the appointments. During the Clinton years, we saw an increase in the number of vacancies that could not be brought to the floor for a vote. It reached 110 vacancies in the judicial branch at the end of the Clinton administration. The Democrats worked with the Republicans during President Bush's years, under times when Republicans were in control and when Democrats were in control of Congress. The number went down to 53 percent when President Bush left office. We are now up to 94. We are seeing a significant increase in the number of unfilled positions. Yet there are noncontroversial nominees who have been approved by the Judiciary Committee who have not been brought to the Senate floor.

I will talk about the appellate court because we think it represents a deliberate effort to slow-walk the confirmation process.

When President Clinton was in office, we saw an escalating number of appellate court judges who were delayed and not acted upon—doubling from 16 to 32 when President Clinton left office. We know the appellate court is where most of the appellate decisions will be made because very few cases go to the Supreme Court. These are critical judges.

During President Clinton's years, the Republicans used every tactic they could to deny the confirmation of appellate judges. Look what Democrats did during President Bush, whether in the minority or majority. We not only reduced the number of vacancies on the appellate court, we brought it down—in 1 case, from 32 to 9. When President Obama took office, it was 13. It is now up to 21.

There are four nominees who have been approved by the committee who are ready for action right now on the floor of the Senate. This is an abuse of the rights of the minority. We need to vote on these confirmations. The appellate courts need these judges. The district courts need these judges. We have, right now, over 10 judges ready

for a vote on the Senate floor, none of whom I believe will require an extraordinary vote because I think they are basically without controversy.

Let's get on with these responsibilities and bring these forward. These facts indicate that clearly there has been a deliberate effort, and it is not right. I ask my Republican friends to end this and let's bring up these matters for an up-or-down vote.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

HEALTH CARE REFORM

Mr. KIRK. Madam President, as the Senate prepares to debate the critical reform of our Nation's health care system, I am privileged to stand at the Massachusetts desk from which the voice—that unmistakable, booming voice—of the most effective legislator of our time was heard throughout this Chamber that he loved for nearly a half century.

The voice of Senator Edward M. Kennedy called out against injustice, denial of opportunity, and needless suffering of every kind. Sometimes with humor, sometimes with indignation, he spoke skillfully and tirelessly as a champion of working families, the poor, the disabled, and those engaged in a constant struggle for economic and social justice.

Of all the issues on which he led the Senate and our Nation, the one Ted Kennedy called the cause of his life was the battle for affordable, quality health care. He saw the need as universal—made real by experiences deeply personal. He was the father of three children who faced serious illnesses and received the finest health care in the world.

He understood firsthand the anguish of a parent who learns that a child is gravely ill. He found it unacceptable that some Americans receive quality health care while millions of others do not.

For almost 50 years, his voice thundered in this Chamber and across the Nation with a clear and compelling message: affordable, quality health care must be a basic right for all, not a privilege for the few.

In Senator Kennedy's own maiden speech in this Chamber, he noted the conventional wisdom that freshman Senators should be seen and not heard. But he felt compelled to speak out on the Civil Rights Act of 1964 because it was the defining moral issue of that time.

As the newest of freshman Senators, who is honored to stand briefly in his place, I have no doubt about my obligation to Senator Kennedy, to the values and friendship we shared, to the citizens of Massachusetts, and to the country we love. So I am grateful for this opportunity to speak out at another defining moment for our Nation, on what I and Senator Kennedy believe to be the moral issue of this time.

At this moment, we are closer to realizing the long-held dream that all

Americans have access to quality, affordable health care than at any time in our Nation's history. By seizing this moment, we will, at long last, put America on equal standing with other nations that long ago assured their citizens quality, affordable health care as a matter of right.

Despite the urging of Republican and Democratic Presidents alike, from Theodore Roosevelt to Bill Clinton, the United States remains the only industrial Nation that has yet to guarantee health care for all its citizens.

It has been 40 years since Edward Kennedy gave his first speech on this issue. In an address at the Boston University Medical Center, he declared the time had come to establish a national plan to provide affordable and quality health care for every American.

Rough estimates at the time suggested 25 million were without any coverage. Today we have 46 million uninsured Americans.

In the four decades since Ted Kennedy issued that challenge, despite the expenditure of trillions of dollars and a passing of a generation, millions of Americans worry each day whether their health insurance will be there for them and for their children. They fear their insurance company will drop them if they are sick or set limits on their coverage that will leave them destitute. They wonder if their insurance will be adequate and if they are but one serious illness away from bankruptcy.

They ask why insurance companies are permitted to charge higher premiums for women than for men. They are afraid, if they lose their jobs, they will be unable to get new insurance because they have a preexisting condition. Worse, tens of millions of our fellow citizens go to bed each night praying their children will stay well because they have no insurance at all. They work hard, they play by the rules, they do everything possible to provide for their families, but they need every penny to put a roof over their heads and food on the table. In the end, they simply cannot afford health insurance.

After decades of falling short of the mark, quality, affordable health care for all Americans is, at long last, within their reach. Thanks to the leadership of Senator REID, Senator DODD, Senator BAUCUS, and others, in combining the bipartisan work of the Health and Finance Committees, and thanks to similar work being done in the House of Representatives and the leadership and support of President Obama, we are closer than ever to fixing our broken health care system.

Yes, there are issues yet to be resolved. In the days ahead, I, too, will advocate for a public option because we need to stimulate competition and reduce costs in the health care marketplace.

I will also speak for the so-called CLASS Act, a voluntary, self-funded, self-insured, deficit-reducing plan that

will protect millions of Americans against the crushing cost of long-term services and support so necessary in their senior years.

But as this debate moves forward, we who are privileged to serve in this historic body, on both sides of the aisle, have the opportunity and the obligation to take the long view, to put aside partisan politics and come together to seize this unique and critical moment in our history.

Bipartisanship works for the people. Only 3 years ago, with Senator Kennedy's guidance, Democrats and Republicans in Massachusetts worked together to adopt a health reform plan approved by a Democratic legislature, signed by a Republican Governor, and implemented with essential support from a Republican President.

The experience of Massachusetts was bipartisan. It has helped to shape the legislation this Senate will soon consider. Our national legislation draws ideas from both sides of the aisle and from all parts of the political spectrum. Similar to our Massachusetts reform, it will make a lifesaving and cost-saving difference for millions of Americans, whatever their station in life and whatever their political persuasion.

It is regrettable that efforts for reform in the Senate and the House have been under assault by special interests that have a financial stake in our failing health care system. As part of that opposition, they have attacked the success of our reform in Massachusetts. But let me set the record straight.

First, because of our bipartisan reforms, less than 3 percent of the Massachusetts population is without health insurance today, lower than any other State.

Second, the most respected independent fiscal watchdog concluded that Massachusetts implemented its reform in a fiscally responsible and financially sustainable way.

Third, unlike every other State, employer-based health insurance is increasing in Massachusetts.

Finally, according to a recent statewide poll by the Harvard School of Public Health, 79 percent of the public, and practitioners in every sector of the Massachusetts health care system, including physicians, strongly supports our bipartisan reform.

Let me quote a recent message from a Massachusetts doctor:

You will be glad to know that I just saw the very last uninsured patient in my panel of about 300 patients for whom I am the primary care physician. He is a 62-year-old diabetic electrician from Mattapan. He finally got his insurance last month—with help of [the reform law], we are now finally getting his eye exam, his blood work, and refilling all his prescriptions.

That is just one example of a substantial difference a bipartisan health reform measure has made in the lives of the people of the Commonwealth of Massachusetts. That is the kind of substantial difference bipartisan reform can make in the lives of people all across America.

I am the 100th Member, the most junior Member of this distinguished body. But I am hopeful that a newcomer's perspective will be received as a constructive contribution to this debate.

Let me be candid. At this moment, when American families are imperiled by economic hardship and uncertainty, it gives them no comfort to see the Senate so politically polarized over an issue that should be bringing us together on their behalf.

The accelerating health care and health costs crises strike fear in the hearts of the average American family. These crises should not be dividing this Chamber; they should be uniting us. These crises do not discriminate in their impact on our constituents. They are the common fears of Republicans and Democrats, Independents and the unenrolled, old and young, urban and rural, businesses large and small, workers organized and unorganized, the self-employed and the unemployed, married and single, straight and gay, and Americans of every ethnic or racial heritage.

These are the people we are honored to represent. They expect us to work together in their common interests and, I submit, they deserve no less.

Years from now, history will look upon this debate and record that this was our opportunity to act on a defining domestic obligation of our time. During the coming weeks, I hope each of us will take the long view, think beyond the politics of the day, and come together in good faith to do what is right for our people.

When I accepted my oath of office a month ago, much was made of my being the 60th vote for health reform. This debate should not be about one party reaching 60 votes. It should be about 100 Senators reaching out to each other to reform a health care system that will better reflect the true values and character of our Nation.

As this debate continues, we would do well to pause for a moment to hear Ted Kennedy's voice in the quiet of our hearts. You and I know he will urge us to seize this moment to come together in this common cause and to make sure, at long last, that all Americans will have access to the quality, affordable health care they have long deserved and now so urgently need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I congratulate my colleague from Massachusetts, who has made his first comments on the floor of the Senate, what is traditionally called a maiden speech, and what for many years a speech that often took months, if not, in some cases, years for a Senator to make. The times have changed and, indeed, the issues have changed. Now Senators, by custom, address the floor much before that kind of time period has elapsed.

Let me say I am glad that is the custom, and I am glad my colleague, PAUL KIRK, is here to share in his ability to

be able to present his values and the values of Ted Kennedy and Massachusetts to the Senate, with respect to the issue he talked about today.

I cannot say that for many of us who sat here and listened to this, as we looked across the Senate at this desk, that there still is not an adjustment as we look there and do not see our friend Ted Kennedy but see, instead, the person who has been chosen to follow in his footsteps.

I know Ted Kennedy would be both enormously proud and enormously pleased that PAUL KIRK spoke the way he did today and chose to speak as he did about health care.

PAUL KIRK was in the Senate working for Ted Kennedy in 1969, when Ted Kennedy first took up the great cause of health care. It was no accident that he came to be here working for Ted Kennedy, though it was somewhat of an effort because PAUL had chosen to work in the Presidential campaign of Robert Kennedy. When Robert Kennedy was assassinated, PAUL felt there was not a place in politics for him, and so he stepped back for a moment. It took Ted Kennedy a considerable amount of personal persuasion and effort to give him a sense that working in the Senate, working with him was the best way to try to carry on. That was the beginning of an extraordinary working partnership. I think PAUL worked with Ted Kennedy until about 1977 or so in the Senate, but he never stopped working with him as both a friend and an adviser. He went on to become the founder of the Presidential Debate Commission. He chaired the Democratic National Committee. He has chaired the Kennedy Library, and now he comes to us as an extraordinarily appropriate replacement, to the degree there can ever be a replacement—we all understand the difficulties of that—for our friend Ted Kennedy.

I thank him for his words today. I thank him for his willingness to come and serve at a difficult time. I thank him for being willing to go through all the gyrations one has to go through to meet the standards of the Ethics Committee of the Senate to serve just, knowingly, for 4½ months. That is a great statement both about his feelings about being chosen to fill the seat he fills but also about his commitment to public service.

I thank my colleague for his comments about health care. He is absolutely correct; we are on the cusp of a historic choice in this country, and I think it is more than fitting that PAUL KIRK, who knows Ted Kennedy's staff, who had such a close relationship with him, who shares his values so intensely, is here to be part of this vote.

He is absolutely correct. While he is the 60th vote, it may change some of our ability to move or not move, the thought he expressed about our desire to have all Senators join in this historic moment and weigh in, in a way that permits more of them to take part is exactly what the Senate is about.

I close by saying, as I looked across at PAUL, I thought about this transitional moment, of his first speaking and following in the footsteps of Ted Kennedy from that seat and that desk. It reminds all of us that we all come and we go here. It gives us a sense of the timelessness, if you will, of this institution. It reminds us that while we do change and we come and go, this institution is here, the Congress is here, the country is here, the demands of the people are here, and good people keep coming here to try to meet those demands and live out the best values for our Nation.

I congratulate my colleague for representing Massachusetts so effectively, for keeping faith with Ted Kennedy and this institution, and helping to remind us of the importance of the work ahead of us in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, next to the door of Senator Kennedy's old office—now Senator KIRK's office—is a small brass plaque that Senator Kennedy had mounted near the door with an old Gaelic greeting: *Cead Mile Failte*—100,000 welcomes. With his first maiden speech on the floor of the Senate, I extend to Senator KIRK, my colleague, officially, *Cead Mile Failte*, 100,000 welcomes to this great body. The fact the Senator would stand and speak to an issue of such enduring significance, not only to the Nation but to Senator Ted Kennedy, is entirely fitting.

Forty-five years ago, Ted Kennedy gave his maiden speech on the floor of the Senate, addressing the moral issue of his time—the issue of civil rights. Over the years, he came to understand the issue of health care is an issue of civil rights. His son, Congressman PATRICK KENNEDY, tells the story when his dad was in the hospital recently recuperating from cancer, he would walk the wards. We can see him plodding along, going from room to room, talking to people about how they were doing and, more specifically, how they were paying for their medical care.

Ted never stopped caring about not only the many people he represented in Massachusetts and around the Nation but around the world. During the time he served in the Senate, he extended the reach of civil rights and opportunity through health care, with Medicaid and Medicare and COBRA and children's health insurance and so many other things that he was a part of. I am honored the Senator is here today, as he has said, to be the voice and the vote of Senator Edward M. Kennedy. The question asked is: Will the circle go unbroken? With the Senator's speech today, it is clear it is unbroken; that the Senator is carrying on the fine tradition not only of Senator Kennedy but of so many people who were inspired by his words over the years.

I congratulate my colleague on his maiden speech on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I simply wish to rise and acknowledge the wise words of a good man and a good Senator in the great tradition of Ted Kennedy.

I thank the Senator, for his work, his commitment, and his dedication. With his help, we will complete the work Senator Kennedy started.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF IRENE CORNELIA BERGER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA—Continued

The PRESIDING OFFICER. Under the previous order, the senior Senator from West Virginia is recognized for 5 minutes.

Mr. BYRD. Mr. President, I am very pleased that the Senate will vote today to confirm West Virginia Circuit Court Judge Irene C. Berger for a seat on the U.S. District Court for the Southern District of West Virginia. I thank Chairman LEAHY and Ranking Member SESSIONS for moving the nomination forward. Along with my colleague, Senator JAY ROCKEFELLER, I was proud to recommend Judge Berger, for she is not only an outstanding jurist, she is also an exemplary person. A native of Berwind, in McDowell County, WV, Judge Berger has devoted her legal career to public service in West Virginia.

As a young attorney, she provided legal services to those who were most needy. As a prosecutor, Judge Berger obtained many high-profile felony convictions. Judge Berger has served as a circuit judge for the Thirteenth Judicial Circuit of West Virginia for 15 years—1½ decades—and she has devoted countless hours of service to her community.

Through her drive and determination, Judge Berger broke barrier after barrier. She was the first in her family to attend college. She was the first African-American woman to serve as a circuit judge in West Virginia. Embodying true mountaineer spirit and pride, Judge Berger's contributions to legal service and to education have been substantial. Sitting on the bench, she will continue her fine service to her community and to the great State of West Virginia.

I want to be the first to congratulate Judge Berger, and I thank my colleagues for their support of this very fine lady.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, it has taken nearly a month to obtain Republican consent to consider the nomination of Judge Irene Berger to the Southern District of West Virginia. Judge Berger is a consensus nominee unanimously rated "well qualified" by the American Bar Association's Standing Committee on the Federal Judiciary, the highest rating possible. Her nomination has the support of both of West Virginia's highly respected Senators. Senator BYRD, as the senior member of the Senate, is the President pro tempore and is the longest serving Senator in history. Senator ROCKEFELLER is a senior member and the chairman of the Commerce Committee. I thank the Senators from West Virginia for their statements in support of the nomination, their work on this nomination, and their recommendations of outstanding judicial nominations for West Virginia over many years.

Republican delay in the confirmation of this consensus nominee continues a pattern that has been followed all year. Last week, the Senate was finally allowed to consider the nomination of Roberto A. Lange to the District of South Dakota. I regret that the Republican minority allowed 3 weeks to lapse since the nomination was reported unanimously by the Judiciary Committee before allowing the Senate to consider it. They also required 2 hours of debate on the nomination, though they used fewer than 5 minutes to discuss the merits of the nominee. In that 5 minutes, the ranking Republican on the Judiciary Committee endorsed the nomination. That nomination had the support of both Senator JOHNSON and Senator THUNE, a member of the Senate Republican leadership. Ultimately, Judge Lange's nomination was confirmed 100 to 0, but only after weeks of unnecessary delay.

The pattern is being repeated today with respect to Judge Berger. When confirmed, Judge Berger will be the first African American in the history of West Virginia to serve as a Federal judge. For the last 15 years, Judge Berger has served as a circuit judge in county court. Before that, she spent more than a decade as a State and Federal prosecutor.

So I ask, why has the Republican minority delayed consideration of this experienced and highly qualified jurist and of this historic confirmation for the last several weeks? Will any Republican explain why there will remain nine other judicial nominations reported favorably by the Judiciary Committee on which Senate Republicans continue to refuse to allow the Senate to proceed? Two were reported in June and have been stalled for more than 4 months.

Last week, the Senate also finally confirmed the nomination of Judge

William Sessions of Vermont to chair the U.S. Sentencing Commission. An anonymous, unexplained Republican hold stalled that nomination for more than 5 months. The majority leader was forced to file a cloture petition in order to end the obstruction. Cloture petitions were previously required to overcome Republican obstruction on the nominations of David Ogden to serve as the Deputy Attorney General and Tom Perez to serve as the Assistant Attorney General heading the Civil Rights Division.

I said last week before the Senate unanimously confirmed Judge Lange that these delays are a dark mark on the Senate. They prevent us from doing our work. Worse, this obstruction means that nominees must place their lives on hold for an undetermined amount of time. The Senate should be the conscience of the Nation. These needless and harmful delays, particularly in connection to consensus nominees, make the Senate look foolish.

Judge Berger's nomination is one of 13 judicial nominations reported favorably by the committee this year to fill circuit and district court vacancies on Federal courts around the country. The President has worked hard to consult with Republicans and Democrats alike to make consensus, well-qualified selections. Unlike his predecessor, he has not sought to turn judicial nominations into a partisan matter. Ten of these judicial nominations were reported by the Judiciary Committee without a single dissenting voice. Yet, due to the pattern of Republican delay, this is just the fourth of those nominations allowed to be considered by the Senate.

It is now October 27. By this date in George W. Bush's first year in office, the Senate had confirmed a total of 12 lower court judges, including 4 circuit court judges. We achieved those results with a controversial and confrontational Republican President after a midyear change in the Senate to a Democratic majority, in spite of the attacks of September 11, despite the anthrax-laced letters sent to the Senate that closed our offices, and working virtually around the clock on the PATRIOT Act. By comparison, this year the Republican minority has allowed action on only three judicial nominations to the Federal circuit and district courts, with only one circuit court confirmation all year. Judge Berger's confirmation will raise the total judicial confirmations to only one-third of that achieved by this date in 2001.

I made sure that President Bush's judicial nominations were treated better than President Clinton's had been by the Republican Senate majority. By contrast, Senate Republicans are making sure that President Obama's nominees are treated worse even worse than they treated President Clinton's nominees. By this junction in President Clinton's first year, the Senate had confirmed twice as many judicial nominees as we have this year.

This is all despite the fact that President Obama sent nominees to the Senate 2 months earlier than did President Bush. This is despite bipartisan support from Republican Senators like Senator LUGAR, Senator THUNE, Senator Martinez, Senator ALEXANDER, Senator CHAMBLISS, and Senator ISAKSON for President Obama's judicial nominees to judicial vacancies affecting their home States.

When I served as chairman of the Senate Judiciary Committee during President Bush's first term, I did my best to stop the downward spiral that had affected judicial confirmations. Throughout my chairmanship, I made sure to treat President Bush's judicial nominees better than the Republicans had treated President Clinton's nominees. During the 17 months I chaired the Judiciary Committee in President Bush's first term, we confirmed 100 of his judicial nominees. At the end of his Presidency, although Republicans had chaired the Judiciary Committee for more than half his tenure, more of his judicial nominees were confirmed when I was the chairman than in the more than 4 years when Republicans were in charge.

Senate Republicans began this year threatening to filibuster every judicial nominee of the new President. They have followed through by dragging out, delaying, obstructing, and stalling the process. The result is that 10 months into President's Obama's first term, the Senate after today will have confirmed only four of his nominations for circuit and district courts while judicial vacancies skyrocket around the country. After reducing vacancies as low as 43 last year, even during the last year of President Bush's second term and a Presidential election year, vacancies have already more than doubled to 95 vacancies around the country in our Federal circuit and district courts. There are another 26 future vacancies already announced. These vacancies are at near record levels. We can do better. The American people deserve better. Justice should not be delayed or denied to any American because of overburdened courts.

When will Senate Republicans allow the Senate to consider the nominations of Judge Hamilton to the Seventh Circuit, Judge Davis to the Fourth Circuit, Judge Martin to the Eleventh Circuit, Judge Greenaway to the Third Circuit, Judge Honeywell to the Middle District of Florida, Judge Nguyen to the Central District of California, Judge Chen to the Northern District of California, Ms. Gee to the Central District of California, and Judge Seeborg to the Northern District of California?

President Obama made his first judicial nomination, that of Judge David Hamilton to the Seventh Circuit, in March, but it has been stalled on the Executive Calendar since early June, despite the support of the senior Republican in the Senate, Senator LUGAR. The nomination of Judge Andre Davis to the Fourth Circuit was reported by

the Judiciary Committee on June 4 by a vote of 16 to 3, but has yet to be considered by the Senate. The nomination of Judge Beverly Baldwin Martin to the Eleventh Circuit has the support of both of Georgia's Senators, both Republicans, and was reported unanimously from the Committee by voice vote on September 10 but has yet to be considered or scheduled for consideration by the Senate. The nomination of Judge Joseph Greenaway to the Third Circuit has the support of both New Jersey Senators and was reported unanimously from the Committee by voice vote on October 1 but has yet to be considered or scheduled for consideration by the Senate. All of these nominees are well-respected judges. All will be confirmed, I believe, if only Republicans would consent to their consideration by the Senate. Instead, the President's good efforts are being snubbed and these nominees stalled for no good purpose.

The Senate's failure to adhere to its tradition of regularly considering qualified, noncontroversial nominees has not been limited to filling vacancies on the Federal bench. The Republican minority has irresponsibly stalled nominations to critical posts in the Department of Justice, depriving the President, the Attorney General, and the country of the leaders needed to head important divisions at the Justice Department. These are important leaders of our Federal law enforcement efforts. Presidents of both parties, especially newly elected ones, are normally accorded greater deference to put in place appointees for their administrations.

Yet, 10 months in to President Obama's first term, five nominations to be Assistant Attorneys General remain stalled on the Senate's Executive Calendar due to Republican opposition and obstruction. These are the President's nominees to run 5 of the 11 divisions at the Justice Department—nearly half. By comparison, at this point in the Bush administration the Senate had confirmed nine Assistant Attorneys General and only one nomination was pending on the Senate Executive Calendar. The difference is that the Republican minority is refusing to consider these nominations.

The President nominated Dawn Johnsen to be the Assistant Attorney General in charge of the Office of Legal Counsel at the Justice Department on February 11. Her nomination has been pending on the Senate Executive Calendar since March 19. That is the longest pending nomination on the calendar by over 2 months. We did not treat President Bush's first nominee to head the Office of Legal Counsel the same way. We confirmed Jay Bybee to that post only 49 days after he was nominated by President Bush and only 5 days after his nomination was reported by the committee.

Mary Smith's nomination to be the Assistant Attorney General in charge of the Tax Division has been pending

on the Senate's Executive Calendar since June 11—more than 4 months. We confirmed President Bush's first nomination to that position, Eileen O'Connor, only 57 days after her nomination was made and 1 day after her nomination was reported by the committee. Her replacement, Nathan Hochman, was confirmed without delay, just 34 days after his nomination.

President Obama's nomination of Ignacia Moreno to be the Assistant Attorney General in charge of the Energy and Natural Resources Division has been on the Senate Executive Calendar for over a month, even though it was reported by the Judiciary Committee by unanimous consent. By comparison, a Democratic majority in the Senate confirmed President Bush's controversial nomination of Thomas Sansonetti to the position only 1 day after it was reported by the Judiciary Committee.

Chris Schroeder's nomination to be the Assistant Attorney General in charge of the Office of Legal Policy has been pending on the Senate Executive Calendar since July 28. It was reported by voice vote without a single dissenting voice. President Bush's first nominee to head that division, Viet Dinh, was confirmed 96 to 1 only 1 month after he was nominated and only a week after he his nomination was reported by the committee. The three nominees to that office that succeeded Mr. Dinh—Daniel Bryant, Rachel Brand, and Elisabeth Cook—were each confirmed by voice vote in a shorter time than Professor Schroeder's nomination has been pending. Ms. Cook was confirmed 13 days after her nomination was reported by the committee even though it was the final year of the Bush Presidency. By contrast, the majority leader may have to file another cloture position in order to overcome Republican obstruction and obtain Senate consideration of Professor Schroeder's nomination.

Instead of withholding consents and filibustering President Obama's nominees, the other side of the aisle should join us in treating them fairly. We should not have to fight for months to schedule consideration of the President's judicial nominations and nomination for critical posts in the executive branch.

I look forward to congratulating Judge Berger and her family on her historic confirmation, and I thank the West Virginia Senators for their strong support of the nominee through another extended and unnecessary delay.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. DEMINT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 328 Ex.]

YEAS—97

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Gregg	Reed
Bingaman	Hagan	Reid
Bond	Harkin	Risch
Boxer	Hatch	Roberts
Brown	Hutchison	Rockefeller
Brownback	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Burris	Johanns	Shaheen
Byrd	Johnson	Shelby
Cantwell	Kaufman	Snowe
Cardin	Kerry	Specter
Carper	Kirk	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	LeMieux	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Lincoln	Whitehouse
Dodd	Lugar	Wicker
Dorgan	McCain	Wyden
Durbin	McCaskill	
Ensign	McConnell	

NOT VOTING—3

DeMint	Leahy	Menendez
--------	-------	----------

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. I ask unanimous consent that during the pendency of the quorum call, the time be charged equally against both sides.

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

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. LEVIN. Mr. President, currently the Nation's unemployment rate is higher than it has been since 1983. In my home State of Michigan, the unemployment rate is 15.3 percent, 5.5 percent higher than the Nation's unemployment rate of 9.8 percent. Translated into real people, this means over 15 million Americans are unemployed, more than 740,000 of whom are living in Michigan. As of October 16, more than 44,000 Michiganians have exhausted their much needed unemployment benefits, and by the end of this year, the number will rise to almost 100,000 people. Since the beginning of this year, Michigan has been losing on average 27,000 jobs per month. Our people need help.

My constituents make a simple request: Please act so our benefits do not run out. These people are eager, even desperate for work. Until the economic recovery that appears to be starting begins creating new jobs, these Americans need our help. They need us to listen. They need us to help ensure they can still feed and clothe their families and remain in their homes.

Economists tell us that direct payments such as unemployment insurance are also the best, most efficient way to boost economic activity in a downturn. In fact, economists estimate that for every \$1 we provide Americans in extended unemployment benefits, we generate \$1.64 in new economic activity.

Michigan's families are waiting. America's workers are waiting. We must pass this legislation extending unemployment benefits. Every day that passes without doing so deepens the pain and suffering of our people.

Today's vote on cloture on the unemployment benefits extension is a critical vote for millions of Americans. I hope we rise to the occasion. The people of Michigan, the people who so desperately need work and cannot find it are waiting eagerly and hopefully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, last week I spoke on the floor about the urgent need to pass an extension of un-

employment insurance that would help 18,000 people from the State of Washington and millions of Americans across the country. I came here and told the story of three Washington State families who have lost their jobs in the most difficult time since the Great Depression and who desperately need the support that an extension would give them to get back on their feet. Unfortunately, despite the hard work of many of my colleagues on the floor, this small measure of financial stability has been delayed to families across the country who need it the most, families who right now, as we debate about whether we will get to the bill, are having a much more agonizing debate at home about how to make next month's rent or even next week's grocery budget if their unemployment runs out.

For these families, this bill will provide real help. It provides every single unemployed worker who has exhausted his or her benefits, regardless of the State they live in, an additional 14 weeks of support. It extends unemployment to laid off workers in States hardest hit by job losses, including my home State of Washington, by 6 weeks. It makes critical changes to help more families, like making sure an additional \$25 per week in benefits that Congress included in the recovery act doesn't count against someone who is seeking food stamps.

Washington State workers and Americans across the country have been hurt through no fault of their own. They are out there every day looking for work. While we are seeing some progress on the economic front, for many of them the job market is still discouraging. Unemployment is now at 9.8 percent. That is a 26-year high. Since this recession began back in December of 2007, over 7.4 million people have lost their jobs, and the 15 million Americans who are trying to find jobs are searching for an average of 6.5 months before something comes through for them.

While those statistics clearly point out the need for this legislation, the stories behind those statistics are even more of a call to action. Last week, I told of the stories that have been pouring into my office from people who are unemployed in my home State of Washington. These are workers who are not asking for a handout; they are just asking for a small measure of support as they work very hard to try to get back on their feet. Today, I wish to share a couple more stories from the hundreds that have come into my office over the past few days urging me to do everything I can to get this bill passed.

I heard from a woman named Loretta Messick. She lives in Auburn, WA. She sent me a message just yesterday. She told me she has been working for more than 25 years, but she was recently laid off for the first time ever in her career. She said she is desperately looking for work, but she is not sure she is going

to be able to find any before her benefits run out. She is working with her bank, she told me, to try and adjust her mortgage payments, but she told me that if unemployment runs out, she fears her family is very much in danger of losing their home.

Loretta is not alone. I also have a story from a woman named Patricia Obrist. She lives in Renton, WA. Patricia and her husband both had jobs in the construction industry—good jobs, she told me—but they were laid off when business slowed down for the companies they worked for. She told me she has only 8 weeks of unemployment benefits left and then, she said, she is going to have to start dropping expenses such as health care, the car payment, their mortgage. She asked me for just a little more time for her to find a job and to give her a chance to avoid losing everything she has worked so hard for.

For Loretta, for Patricia, for their families, and millions more like them, these questions haunt them every day: What will we do if support runs out? Where will we go when our savings are exhausted, when the credit card payments can no longer be met? What do we do when the bank will not wait any longer for a mortgage payment? Whom do we turn to?

In a time of national crisis, it is our job to make sure we are answering those questions. We can, by helping to provide a bridge to financial stability. We cannot sit on the sidelines. Doing so would only compound the problems we already face. More families will be pushed into bankruptcy, more homes will be foreclosed upon, more people will lose their health care, and less progress will then be made on the road to financial recovery for all of us. We can't sit by as working families are pushed to the brink by a financial crisis they did not create but they are paying for.

I hope all our colleagues listen to the voices of their constituents and join us in passing an unemployment extension that makes sure the struggles of America's laid-off workers are not ignored. This bill could not come at a more crucial time.

I wish to point out that these benefits would mean very little if we don't quickly get them into the hands of the people who need it most. The people of our State workforce agencies, people such as the Employment Security Department in my home State, are critical to making that happen. Despite the increasing demand, they have been working tirelessly to serve unemployed claimants, and I know this time will not be any different. So I wish to take a second to applaud them for their efforts to make sure these funds are distributed as quickly as possible to eligible claimants.

I appreciate all those who have been working hard to bring the unemployment extension bill to the floor of the Senate. I urge us to act now. We should not block this with any other efforts,

even though many of them are important. Our families are struggling. We cannot afford to see anybody else lose their health care or their home or their car or their financial stability. Let's pass this unemployment extension and then move on to continuing the other important work that comes before the Senate.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, I ask unanimous consent that when I am finished speaking the Senator from Illinois be recognized.

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

BIPARTISANSHIP

Mr. THUNE. Mr. President, last week, something remarkable happened on the floor of the U.S. Senate—bipartisanship broke out. We had a vote where 40 Republicans were joined by 12 Democrats and 1 Independent to vote down a piece of legislation that would have added \$250 billion—\$¾ trillion—to the Federal debt. That \$¾ trillion, with interest, was \$300 billion.

It was highly anticipated, as we were heading toward that vote, that there would be enough support to pass it. But I think it tells Members in the Senate, and probably people around the country, that there is a certain amount of discomfort among Senators when it comes to spending, borrowing, and adding to the debt \$¾ trillion. I think that is good. That is the kind of bipartisanship I wish we had more of in the Senate: bipartisanship in the interest of fiscal discipline. Fiscal sanity in this country would be a welcome prize for most Americans.

As we draw nearer to the next stage of the debate on health care—and I would argue that was sort of the first vote on health care reform because it was a health care-related vote and, frankly, something many of us believe needs to be addressed. The physician reimbursement issue is an issue Congress deals with on a year-to-year basis. This would have put a 10-year solution in place, but, again, at a cost of \$250 billion—\$300 billion with interest—and not paid for, borrowed, put on the Federal debt, a Federal debt which is already growing at a record pace.

Last year, the deficit was \$1.4 trillion. The deficit this year is expected to be at a comparable range, and every single year, as we spend more than we are taking in, we borrow more and more from future generations. In fact, last year, in fiscal year 2009, which was just concluded, 43 cents out of every

dollar that was spent by the Federal Government was borrowed. Yet we were talking about putting another \$¾ trillion—\$300 billion with interest—on that Federal debt with the vote that was held last week.

So I was very pleased that bipartisanship did break out on the floor of the Senate and that we were able to defeat a piece of legislation that, frankly, would have saddled future generations with even more debt than they are already facing.

I think the next big issue in the debate over health care, Mr. President, has to do with whether—in the legislation that is being written behind closed doors—there is going to be a so-called public option, which is the phraseology that has now been adopted to describe what I would characterize as a government plan, and whether that government plan is going to have an opt-in for States, an opt-out for States, or whether it will have a trigger that will take effect somewhere down the road. All these questions, in my mind, belie the basic fundamental fact that what we are talking about is government-run health care.

Whether we have a State opt-in or a State opt-out or some sort of trigger, the conclusion is still the same: we are going to have a government plan that will compete with the private health care market and the opportunities that are available to most Americans. When you do that, of course, I think you put the competitive marketplace at an unfair disadvantage because the government, obviously, will have huge advantages, and eventually over time you will see more and more people pushed into that government plan, more and more employers will drop their coverage as people gravitate toward the government plan.

My point simply is this: Whether you call it a State opt-in or a State opt-out or a trigger, a government plan by any other name is still a government plan. What we are talking about is creating a mechanism whereby the Federal Government can enter into the marketplace and compete against the private sector when it comes to offering health care insurance to people in this country. That, to me, is an unacceptable outcome and I hope one that will be defeated.

It seems to me at least that the vote last week perhaps is an indication that there already is some discomfort developing among Members here, in a bipartisan way, on the direction in which this health care debate is headed.

I think the No. 1 concern most Americans have when it comes to health care reform is the issue of cost. It really is. How are my day-to-day costs for health care going to be impacted by the debate occurring in Washington, DC? Is health care reform going to drive that cost down or is it going to increase it?

What we have questioned consistently with respect to all the proposals out there, including the more recent

version released by the Senate Finance Committee of which we finally got a written copy last week, over 1,500 pages, currently being merged with the Senate HELP Committee legislation—again in a process which is very closed to most Members of the Senate where a handful of people in a room are developing this—we hope to see that merged version at some point here in the not too distant future and know what it is going to cost because I think that is a consideration all of us are going to be following very closely: What is this latest version going to cost?

For most Americans, the issue is going to come back to how it impacts my premiums. We have now seen the Congressional Budget Office, we have seen the Actuary at the Department of Health and Human Services, we have seen a number of independent studies that have said this is going to bend the cost curve up, not down. In other words, you are going to see overall health care costs increase, you are going to see premium costs increase for most Americans.

In fact, if you are one of the 185 million Americans who derive their health insurance through their employer, you are going to see higher premiums. There are those who are going to get their insurance through an exchange—18 million Americans—for whom subsidies are available. But if you are one of the 185 million Americans who get their health care insurance through their employer, you are not going to be eligible for a subsidy. You are, however, going to be paying the higher taxes that are associated with this and you are going to see your premiums go up.

The most recent, I guess, analysis of this, which was released last week by the Department of Health and Human Services, by the Chief Actuary there, suggested that overall spending for health care at the end of the 10-year period would be up 2.1 percent. In other words, today we spend about \$1 in every \$6 of our entire economy—one-sixth of our GDP is spent on health care. In 2019, we will be spending 21.3 percent or over one-fifth of our entire economy on health care. So \$1 out of \$5 in our economy is going to pay for health care at the end of that period. What does that mean? It means health care spending is going to increase by about \$750 billion over that period of time. That is the wrong direction to go if you are talking about reform.

As I said before, most Americans, when they look at how this impacts them, want to know whether health care reform that is being acted on by Congress is actually doing something to impact the cost of their health care in a positive way—in other words, that the cost for their premiums, their health care premiums, is going down.

I say again, based upon all the analysis that has been done with respect to my State of South Dakota, I have seen several studies which suggest that if you buy your insurance in the individual marketplace, you could see your

premiums go up as much as 47 percent. If you are a family buying in the individual marketplace, you could see your premiums go up as much as 50 percent. In fact, there have been some analyses done that suggested premiums could go up as much as 73 percent for some people.

What does that mean to the average American who is observing this debate? It means not only are you going to see taxes go up—according to the Congressional Budget Office and the Joint Tax Committee, the tax increases in the bill are going to hit the middle-income classes the hardest. In fact, about 90 percent of the tax burden will be borne by those making less than \$200,000 a year. According to the Joint Committee on Taxation, over 50 percent of the tax burden will be borne by those making less than \$100,000 a year. The taxes are clearly going to hit right at middle-class Americans. If you are a senior over 65, you are going to see significant cuts in Medicare because that is one of the ways the new expansion of this program, this new entitlement program, is financed and paid for. So you are going to see higher taxes, you are going to see cuts to Medicare, and then ironically, as I said earlier, you are going to see your premiums go up. The average American has to be sitting out there asking: What is the whole purpose of this exercise?

One of the things that has been advocated in the debate over health care reform is we have to cover the people who are not covered. There are a lot of Americans who do not have access to health care coverage today. That could be addressed. There are lots of ways that could be addressed, but the way it is proposed to be addressed here actually leaves 25 million Americans uncovered. So not only have you raised taxes, cut Medicare, and increased premiums for people who already have insurance, you leave 25 million Americans without health care coverage. How can you, in any stretch of the word, characterize or define that as health care reform?

As the debate gets underway, I hope last week's vote was an indication, at least, of the initial stages of this debate; that there is some bipartisan support for constraining spending, for fiscal responsibility, and for fiscal discipline; and that as we get into this, we can move away from this discussion about a \$2 trillion expansion of the Federal Government financed with tax increases and Medicare cuts and premium increases for 185 million Americans who get their insurance through their employer and start focusing on things that actually would provide greater competition and would bend the cost curve down, would drive costs down for most Americans. We believe that is a fair place to start.

We think there are things that could be done that would accomplish that, one of which is allowing people to buy insurance across State lines, creating a bigger market, a more expansive mar-

ket for people in this country. Another is to allow people to join larger groups and get the benefit of group purchasing power, small business health plans—legislation voted on a number of times here and always been defeated. We ought to address the issue of medical malpractice reform and defensive medicine, which costs, some estimates are, \$100 billion a year in terms of additional spending.

There are many solutions that we think make sense that actually do get at the issue of cost, which, as I said, is where I think most Americans are concerned about health care reform and where all the bills we have seen so far, including the one that was released by the Senate Finance Committee, fall short. It doesn't do anything to impact premiums, the health care costs for most Americans, at least those Americans who have health insurance; it raises them at the same time it raises taxes on working families in this country and cuts Medicare for senior citizens to the tune of $\frac{1}{2}$ trillion.

If you take a fully implemented 10-year time period for this—bear in mind that many of the tax increases in this bill are implemented immediately and the actual other provisions in the bill are implemented later on down the road in 2013. So you see a distorted view of what this bill really costs. The 10-year fully implemented cost is \$1.8 trillion, almost \$2 trillion. That amount, of course, is financed evenly between cuts in Medicare Programs and tax increases on people in this country.

I do not think that is what we want to see in terms of reform. It certainly is not what I think the American people are expecting Congress to do. They are expecting health care reform that does do something about getting their costs under control. This bill, the last bill we have seen—of course, we have a bill that is being merged now behind these closed doors which we hopefully will see in the near future—falls short on that account, and that is why I hope there will be strong bipartisan opposition to this legislation, allowing us to start over and in a step-by-step process work in a way that will actually impact, in a positive way, the costs most people are paying for insurance in this country by driving the overall cost of health care down rather than up.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Illinois.

Mr. DURBIN. Mr. President, I applaud the remarks of the Senator from South Dakota about bipartisan cooperation on health care reform. We have been trying all year, and unfortunately there has only been one Republican Senator, Senator SNOWE of Maine, who has voted to report a bill from committee; not a single Republican Congressman—none—and no other Republican Senator.

In fact, when the Health, Education, Labor, and Pensions Committee consid-

ered this health reform bill—and it is a big one because it affects \$1 out of \$6 in our economy and virtually every American—there were over 500 amendments. Over 150 were offered by the Republican side of the aisle and adopted. There were 150 Republican amendments, and not one single Republican Senator would vote for the bill. That is frustrating.

Senator MAX BAUCUS, the chairman of the Senate Finance Committee, determined to get bipartisan support, sat down with three Republican Senators literally for months—Senator GRASSLEY of Iowa, Senator ENZI of Wyoming, and Senator SNOWE of Maine—and said: Let's do this together. Let's do a bipartisan bill. Eventually, one fell off, the other fell off, and finally Senator SNOWE was the only one who would vote for it.

I applaud the Senator from South Dakota calling for bipartisanship. We have tried. And the notion that we are going to throw out all we have done and start over—what, another 500 amendments in the HELP Committee? Another 150 Republican amendments, and then they are going to vote against the bill?

We have a bill moving forward. It is a painful, difficult process, and the other side has nothing except criticism. They basically tell us what is wrong with our bill, and when we ask them: What will you do to significantly change health care in America, they have nothing. The current system is unsustainable. The cost of the current system is going to break the backs of individuals and families and businesses and governments.

Just 2 weeks ago, the insurance industry told us: If you pass health care reform, we guarantee you we will raise premiums. And they will. Trust me, they will. How do I know that? They have done that consistently every year. They just announced a 15-percent increase in health insurance for next year for businesses. Fewer businesses will be able to offer health insurance. How can they say this with certainty? You would say it is like guaranteeing that the price of a certain commodity is going up.

What about competition? The fact is, there is little or no competition in health insurance. First, this is one of two businesses in America exempt from antitrust. That means the heads of the insurance companies selling health insurance can legally sit down together and collude and conspire on the premiums they are going to charge people across America. They can decide how much they will charge and agree among themselves that they are going to charge the same thing. And they can allocate markets in America and say, well, this particular market in Los Angeles belongs to this health insurance company, this market in Chicago belongs to this health insurance company, and it is legal—the McCarran-Ferguson law. It is legal.

When they threaten to raise health insurance premiums, mark my words,

they can do it. The only thing that stops them is competition. If there is some other entity out there offering health insurance that is competitive, at a lower price, then we have competition. What do we call that? The public option.

The people who come to the floor and criticize the notion of a public option—I have yet to hear the first person come to the floor and criticize Medicare. We created Medicare over 40 years ago and said: If you are over the age of 50, we are going to give you peace of mind. You won't go to the hospital and lose your life savings because of medical bills. That is what Medicare is all about. It has worked. Seniors live longer, they get better care, they have their independence, and they can live by themselves longer, which is exactly what they want to do. And they are not exhausting their savings.

When I was a child growing up, it was not unusual for grandma or grandpa to come and move in with you because they reached a point in their lives where they didn't have anything, and their families brought them into that spare bedroom. It happened in my family and a lot of others. Then came Social Security, then came Medicare, and then came independence, where they could have the kind of independence they enjoy and want to have.

How many people have come to the floor criticizing the public option in government health insurance and calling for the abolition of Medicare? None. Not one. Maybe somebody will. I have yet to hear it.

I am all for bipartisanship, but I hope we put it in context. If we are going to deal with cost, if we are going to make sure Medicare is financially sound for years to come, if we are going to make sure the abuses of the health insurance companies come to an end—whether preexisting conditions or caps on payments for medical care—then we have to pass legislation. Merely coming here and saying what is wrong with the existing bill is not enough.

There is also a need for bipartisanship when it comes to the unemployed in America. Here is something on which you would think we could all basically agree. If you are one of the unfortunate millions of Americans out of work, if you have reached the point where you do not have a regular paycheck and you are trying to keep the lights on in your house, trying to pay the rent or the mortgage, put food on the table for your kids and some clothing and basic needs of life, gasoline in the car, we have always said in that situation, the American family—that is all of us, the collective Nation of America—will come and help.

Unemployment benefits will be the first thing we will help you with so you have something, a check, to get by on while you are looking for another job. Sadly, this recession has been very deep and has gone on for a long period of time. Millions of Americans have exhausted their unemployment benefits,

and we have extended their benefits, realizing we have not turned the corner as we hoped we would, and we still have to realize a lot of people will not be able to find jobs quickly.

It used to be this was done automatically. We said: Well, we may bicker and squabble over economic policy. We may disagree on a lot of issues, but we will agree on this issue. The safety net in America should be there for unemployed people. Unfortunately, that has not been the case when it comes to the unemployment benefits we need today.

We have tried, more than once, to bring to the floor of the Senate a bill to extend unemployment insurance for Americans who are still out of work and need help. As I said, it should not be a partisan issue. The unemployment rate is close to 10 percent across the Nation. In many areas of the country, including my home State, it is even higher. Each day that goes by more people are running out of their benefits.

Here is story from a man who has written me from Mt. Vernon, IL, in Jefferson County, southern Illinois:

I have been unable to find a job. I have been unemployed since May 2007. My employment benefits exhausted in September. I am 54 years old. I have worked in factories most of my adult life. Therefore I have gone back to school. I still need a job. I realize I am not the only one. Please help us. I have no health care insurance. I have no life insurance since I lost my job. I am praying for our country. God bless you.

A woman from my hometown in Springfield, IL, writes:

Mr. Durbin, I lost my job when the economy went south at the end of last summer. I am 54 years old, and at that awkward age, cannot retire, and not as attractive to employers as a younger job candidate, no degree and not enough work years left to pay back a student loan to get a degree. I have two kids. I am trying to help them get through college. I went from earning \$30 an hour in telecom to \$8.25 hour an hour in retail. Without my unemployment benefits, even my modest house payments are going to become difficult. Can anything be done to move the extension through the Senate? I am down to my last couple of weeks of benefits. I have lots of office skills and experience but cannot quite compete in this tight job market. Thanks for being our voice in the Senate.

The unemployment rate in Illinois now is 10.5, in Peoria it is 11.1 percent, in Decatur it is 12.4 percent, in Kankakee it is 12.8 percent, and in Rockford it is 15 percent. Our State is not alone with these numbers.

In the 19 days since Republicans in the Senate blocked our move to pass a strong unemployment insurance extension bill, another 130,000 Americans who cannot find work have lost their benefits. If we did not pass the extension of unemployment insurance this week, we will put 200,000 families in a position of not being able to put food on the table. It is that stark. It is that real. Some 20,000 of those families live in my State.

How do I explain to my constituents why the Senate has not acted on this bill that we obviously need and need

desperately? Well, we cannot pass it because on the Republican side of the aisle they want to offer amendments.

Do the amendments have anything to do with unemployment or the payment of unemployment benefits? No.

One amendment from a Senator from Louisiana is to, once again, for the fourth or fifth time in the Senate in the last few months, flog an organization known as ACORN. How many times are we going to take up the time in the Senate to go after this organization? I do not know. But as long as it is Exhibit A on rightwing radio and TV, Members will come to the floor and say: Well, let me do something that might be mentioned tomorrow on one of these talk shows.

Well, that might be an interesting political exercise if it was not at the expense of these people who are basically unemployed and running out of money. The Senator from Louisiana wants to offer this amendment the fourth or fifth time. By the end of this year, nearly 9,000 families in Louisiana will lose unemployment insurance benefits if we do not act; 38,000 families in Alabama; 4,000 families in Kentucky will have lost their benefits during the month of October alone; 5,000 families in Arizona will have lost their assistance this month.

I would like to believe, at some point, even though we like to give speeches on the floor—and I am doing it right now—that you might step back and say: It might be more important that we pass this bill and then give the speech afterward. I hope we can. We should not be surprised families need our help. Unemployment has jumped across America. We need to do more than just help Americans find work. We need to provide small businesses better access to credit so they can grow and create jobs. We need to think about what other incentives we can put in place to help all employers, large and small, create jobs. In the meantime, we need to fix the safety net.

I would like to ask my colleagues who come to the floor and ask for bipartisanship, can we be bipartisan when it comes to unemployment benefits? It is not just the Democrats who are out of work, it is Democrats, Republicans, Independents, folks who do not vote, folks who do not think much of us, and folks who may have thought a little bit more of us before we got into this mess. This is a time for bipartisanship. In about an hour we will have a chance to vote. Let's hope Members from both sides of the aisle will come forward and stand up for these families who are so desperate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for such time as I shall consume.

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

Mr. CARDIN. Mr. President, reserving the right to object, and I am certainly not going to object, may I inquire how long my colleague will speak?

Mr. INHOFE. It will not be more than 15 minutes.

Mr. CARDIN. I ask unanimous consent that I be recognized immediately after the Senator from Oklahoma.

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

CAP AND TRADE

Mr. INHOFE. Mr. President, this morning we had the first of 3 days of hearings we are having on the proposed Kerry-Boxer climate bill. It was one I never quite had an experience such as that before. Senator KERRY came in, was given 30 minutes to talk about the same thing Al Gore has been talking about for the last 15 years, without any chance to rebut.

What I would like to do is take a few of the statements. It is a very confusing issue we have because we do not have a lot to work with. We were given a draft of a bill with some analysis. I think it was a couple days ago—not time to get into it. But the bottom line is, it is going to be the same thing, according to the EPA, as the Waxman-Markey bill.

So what I would like to do is use them interchangeably, since that was the response we got from the EPA when we made a request that we be given time to get an analysis, an EPA analysis of the bill. I think the words were: You do not need an EPA analysis of the bill because it is the same bill, for all practical purposes, as Waxman-Markey.

So that is what we have. I would like to go over it point by point. Senator KERRY is correct that cap and trade will impose higher costs in the form of higher prices for electricity and gasoline. I think we do know these costs are there.

According to the National Black Chamber of Commerce, the bill—which I will refer to as “the bill,” it could be Waxman-Markey, it could be Kerry-Boxer—the bill would increase gas prices by 19 cents a gallon by 2015, 38 cents a gallon by 2030, 95 cents a gallon by 2050. Also, electricity bills would rise by about 4 to 5 percent in 2020.

I say this because the head of the National Black Chamber of Commerce was an excellent witness. He brought the point home. Not only is this bill—this cap-and-trade bill—expensive, it would be something that would be regressive because the percentage of expendable income by a poor person is far greater than a rich person on such things as home heating and driving your cars. So his whole point was it was a regressive tax.

In a recent Energy and Natural Resources Committee hearing, Senator JEFF SESSIONS asked the government witnesses—the government witnesses were CBO, EPA, EIA, and the CRS—

whether anyone disagreed with the finding that the net effect of cap and trade would be to reduce jobs. None did. Again, this morning, most of the witnesses responded in the same way.

Then Senator KERRY talked about the NASA scientists. “The best experts we have,” he said, “tell us that the last 10 years have been the hottest in decades on record.”

Of course, we know that we have—in fact, just the other day, last week, BBC, which is certainly no friend of skeptics, in their lead story said: What happened to global warming? This headline came out as a bit of a surprise; so, too, might the fact that the warmest year recorded globally was not 2008 or 2007 but 1998. It went on to say that for the last 11 years, we have not observed any increase in global temperatures. In fact, we have actually had the indication we are starting another cyclical cooling spell.

Senator KERRY said: That is why countries of the world, including India, China, and the United States, have agreed to limit the global rise in temperature to just 2 degrees Celsius. In fact, this is not true. I am sure he thinks it is true or he would not have said it. But China is the world's leading emitter of CO₂. India is No. 3. India has been moving up. We have a quote from the top environmental minister in India, whose name is Jairam Ramesh: “India will not accept any emissions reduction target, period.” He went on to say: “This is non-negotiable.” You cannot get any more emphatic than that.

At the same time, when you talk about China, they may give you some lip service. Let's keep in mind, though, that China is cranking out coal-fired generating plants at two a week right now. So that does not show there is much interest in China to do anything close to what has been represented. The next statement made was that the pollution reduction measures in this bill are tightly focused on maximum impact.

Only companies emitting 25,000 tons of carbon each year are covered, 98 percent of America's businesses. The bill still covers three-quarters of America's carbon pollution. So what he is saying is that three-fourths, as near as I can determine, of the carbon that is emitted comes from only 2 percent of America's businesses.

The fact is, the Kerry-Boxer bill or “the bill,” I will say—because it could be Markey or the same—contains no provision to stop the EPA's endangerment finding, which would trigger a flood of regulations under the Clean Air Act. As such, all the sources Senator KERRY mentions would be covered in some form of regulation under the act.

Second, Senator KERRY ignores the fact that the sources he mentioned would be severely impacted by higher energy prices, declines in productivity, fewer jobs in the sluggish economy that would arise because of Kerry-Boxer and Waxman-Markey.

I mentioned what the National Black Chamber of Commerce had said about that. I think that should stand. He stated: Third, climate change and our dependence on foreign oil are a threat to our national security. I agree with that. We are dependent upon foreign countries for our ability to run this machine called America.

Unfortunately, this is a very partisan subject because it is the Democrats who insist on having a moratorium on offshore drilling. The problems we are having right now—we have something, and this came out just last week. The new report from the Congressional Research Service reveals that America's combined recoverable natural gas, oil, and coal reserves are the largest on Earth.

We keep hearing people say: We do not have these reserves. We do. Far greater than Saudi Arabia's; they are No. 3. No. 4 is China. That is not even talking about including America's immense oil shale and methane hydrate deposits. So we have the largest reserves and the capability, I believe, and I will make this statement and, hopefully, someone will refute it because I cannot find anything to the contrary; that is, we are the only country that will not develop its own natural resources.

They say we are dependent on other countries. Well, yes, we are because politically they will not let us develop our own resources. I would say that between the oil and gas and the coal—and of course we are all concerned about nuclear, we want to do everything we can to overcome the obstacle that such a small percentage of our energy comes from nuclear. However, that is not going to be here tomorrow. We need to start working on that now.

I am talking about things where we can get energy produced right in the United States and stop—we could actually stop our dependence on foreign oil just by developing our own natural resources.

Then Senator KERRY talked about 11 former admirals and high-ranking generals who issued a seminal report warning that climate change is a threat multiplier.

They talk about famines and catastrophes. These assertions, which were first made by Al Gore back when he did his science fiction movie, have all been refuted. Consequently, when I hear 11 former admirals and generals out of 4,000, if they could only find 11, I think they have a problem.

The other thing is the fact that the bills would do virtually nothing to stop the pandemics, droughts, floods, and the like. According to an analysis by Chip Knappenberger of Master Resource:

No matter how the economic and regulatory issues shake out, [Waxman-Markey] will have virtually no impact on the future course of the earth's climate.

He went on:

By the year 2050, the Waxman-Markey Climate Bill would result in a global temperature “savings” of about 0.05 degrees Celsius.

That reminds me, back in the 1990s we had an analysis by, at that time, one of the top scientists around. This was done by then-Vice President Al Gore. The guy's name was Tom Wigley, a top scientist. Vice President Gore gave him the chart. He said: If we were to sign on to the Kyoto Treaty, if we complied with its emissions requirements, how much would this reduce the temperature in 50 years?

The answer was 0.07 degrees Celsius. That is not even measurable. He didn't use that afterwards, but we found the report. Nonetheless it was there, and it is quite obvious.

Stop and think about the fact that we have gone through these natural cycles year after year. We have the cycles, and they show what we are going through. It reminds me—and I am old enough to remember—of the middle 1970s when the same publication, *Time* magazine, and the rest of them, many of the same scientists said we would have to do something about global cooling because another ice age was coming, and we have to address it.

We have to keep in mind there is a lot of money in these statements. People like to think a disaster is occurring because there is a lot of money in it.

That reminds me of something else said this morning by Senator KERRY. He talked about Duke Energy and others. There are about five major corporations in America that joined a group called CAP USA. These were corporations that came in and said: We are stewards of the environment. We want to do something. We embrace cap and trade.

Then we stopped and did an analysis of the five that appeared before the committee only to find that without exception, each one of the five, if we were to have some type of a cap and trade—and it doesn't matter whether it was the Markey bill or the current Kerry-Boxer bill—if we were to do that, we know what the results would be because we have gone through this before over and over again. The idea that we could have something like this and not have the problems come has been disproven for a long period.

Let's go back to the Kyoto Treaty. We actually have had five debates on the Senate floor. We had the Kyoto Treaty, then in 2005 the McCain-Lieberman bill, then the 2003 McCain-Lieberman bill, then the 2008 Warner-Lieberman bill. In each case we had analyses done by the Wharton School of Economics, by MIT, and other groups. They all agreed it would be an expensive proposition. They said it would cost the American public between \$300 and \$400 billion a year.

I know that is difficult for people to understand. How does that impact me? But we do have an analysis that breaks that down. For the average family, it would cost about \$2,000 a year. In my State of Oklahoma, it would be more than that because the price would be higher in the central part of the United States than it would be on the east coast or the west coast.

The cost is going to be there, and it doesn't seem to make too much difference which of the five different approaches we soundly defeated in the past is under consideration. Senator KERRY also claims that India is working on its own domestic legislation to reduce carbon pollution. I already read what their top people have said. They have no intention of doing it. In fact, I have talked to people who are from China, people who are saying: We are sitting back and are kind of hoping maybe America will do this because, if they do, American manufacturers have to go someplace to find their energy.

Since we have rationed it in this country, if we should pass such a cap-and-trade bill, then that would send more manufacturing jobs to places where there is no rationing.

I appreciate very much Lisa Jackson, the new Director of the EPA. Several weeks ago—she was there again this morning—she was on the witness stand. I asked a question: If we were to pass one of these bills like the Waxman-Markey bill, and we were to pass it unilaterally, how much would that reduce emissions globally?

The answer was, it wouldn't. I would go one step further. It will not reduce them unless we include Third World countries, the major emitters—China, India, Mexico, and these other countries. If we don't do that, then we will chase our manufacturing bases where there are no restrictions, and that would have the effect, common sense would dictate, of increasing CO₂ emissions.

We have gone through this now for 10 years. I think it is going to come to a climax in Copenhagen. Once every year the U.N. has this big party, and they have all these countries come in and say what they are going to do to try to stop emission of greenhouse gases.

I had one—I will not mention his name, but he was from the West African country of Benin—who was there the last time I attended one of these conferences. It was in Spain at that time, I believe. Milan, Italy. I went up to this individual and I said: You and I have talked about this before. You know there is no relationship between greenhouse gases and global warming.

He said: Yes, but this is the biggest party of the year. So you are going to have a lot of people to go to Copenhagen in December who really aren't strongly behind the effort of the United Nations.

One last time, it all started with the United Nations, the IPCC, the Intergovernmental Climate Change Program. It started there. They are the ones who are perpetrating this thing. As we get into the debate—and we will have more hearings tomorrow—I hope we will be in a position, before we send a bill to the floor from the Environment and Public Works Committee, to analyze it.

We have called upon the EPA to give us an analysis so that we will have something and we will know more spe-

cifically, is this just a warmed-over bill that passed the House, the Waxman-Markey effort, or is this something that is different? According to the EPA, it is about the same. I suggest it is about the same as it was back in 2005, 2003, and back during the Kyoto discussion.

We will move forward. We have seen certain incontrovertible truths that have come up. One is there is no question that if something like this is passed, something like the draft form we are discussing and having hearings on right now, if this should become a reality it would be the largest tax increase in the history of America. The last large tax increase we had was in 1993. It was called the Clinton-Gore tax increase. It increased marginal rates, inheritance taxes, gasoline taxes, capital gains taxes, all the rest. We were pretty outraged at the size of that increase. That was a \$32 billion tax increase.

According to all the analyses we are looking at now, this would be 10 times the size of that tax increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent that Senator KYL be recognized when I have completed my remarks.

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

Mr. CARDIN. Mr. President, let me respond to my friend in regard to the global climate change bill that was introduced by Senators KERRY AND BOXER. Today Chairman BOXER started hearings before the Environment and Public Works Committee on the climate change bill. I agree with my colleague, we want to make sure we get this right. This is an important issue, and we want to take the time necessary to make sure this bill does what it needs to do.

There is a sense of urgency for many reasons. We can look globally at what is happening with climate change and the impact on the stability of countries. We now have climate migrants, those forced out of their homes because of rising sea levels.

I don't have to take my colleagues to Asia or Africa or Europe. I can take them to Maryland on the Eastern Shore, Smith Island is disappearing. The residents are concerned as to what is going to happen to their homes. I can show them in my own State the urgency of dealing with global climate change by talking to watermen who tell me the Chesapeake Bay is warming too quickly. As a result, the sea grasses are not surviving and juvenile crabs cannot survive, affecting the waterman's livelihood. There is a sense of urgency for the sake of our environment, for the sake of America being an international leader on this issue to move forward with global climate change.

Let me offer a reason with which I think everyone will agree: We need an energy policy that not only allows us

to lead on the environmental issues but also helps us on the economic front. Clean energy will mean new jobs, good jobs in America. We developed the technology for alternative and renewable energy sources. Let's keep the jobs in America. These are good jobs. This bill means more jobs in America by investing in technology that other countries are now investing more in than America. They understand the future is going to be in wind power and solar power and, yes, in nuclear power. This bill allows us to move forward so we can keep jobs in America.

Lastly, I think everyone will agree that from a strategic point, we need to use less energy and produce more in America. The bill Senator KERRY has brought forward will help us achieve those goals.

I look forward to debating global climate change and energy policy. I hope we can come together for the sake of the Nation, for the sake of the future, and develop an energy policy that not only will keep us safe, will not only help our economy, but will be responsible on international environmental issues and be an international leader.

UNEMPLOYMENT EXTENSION

Mr. CARDIN. Mr. President, shortly we will be voting on a cloture motion on the motion to proceed to the unemployment compensation issue. Senator DURBIN addressed this issue a few minutes ago. I want to underscore how important it is for us to move forward.

Yesterday I had the opportunity to visit one of our employment offices in Maryland. We have a one-stop location where people looking for work can come and get the services of not only governmental agencies but nonprofit organizations to help them find employment. I have been to these offices in the past in Maryland. I have had a chance to talk to people who are seeking employment.

When I walked into that office yesterday, I was shocked to see how many people were there. It was hard to get through the door. People were coming in desperate to try to find jobs because there are no jobs out there for them to find. They are desperate to be employed, not only for the sake of having income but for the dignity that comes with employment. We have a problem out there. I think we all understand that.

I will give you two people with whom I talked yesterday: Bernice from Anne Arundel County, a resident who worked for a mortgage company until it went out of business, she has been unemployed since September 2008. She is about ready to lose her UI benefits. She talked about how difficult it was for her to talk about this, how difficult it was for her to tell her story. All she wants is a job. She wants the dignity and income of a job.

Charlene from Baltimore talked about being employed by Business Manager for Watermark Media. She

lost her job in September 2008 when the company went out of business. She is a very qualified individual. Yet she cannot find employment. Her UI ran out on October 25. Her husband is expected to lose his job this week, and it is possible she will lose her family home.

That is what we are talking about, people in our communities who are unemployed and cannot find employment. We now know there is about 1.9 million Americans who will run out of unemployment benefits by the end of this year unless we act, unless we take action. That includes about 25,000 Marylanders who will find themselves without any benefits. Currently, there are over 15 million Americans who are unemployed and over 200,000 Marylanders who can't find jobs. We need to act. We need to act on behalf of Bernice and Charlene and the literally hundreds of thousands of Americans who shortly will be running out of their unemployment benefits.

The bill before us is an extension of an additional 14 weeks of benefits for every State in the country. The original bill that came over from the House had a trigger mechanism of 8.5 percent unemployment. I brought this chart to show my colleagues why it is important to extend benefits in every State in this Nation. I think Maryland is a typical State.

Our unemployment numbers may be a little bit lower than the national average. We are in the 7 percent unemployment rate. But look at the orange counties in my State of Maryland: Cecil County, 8.6 percent unemployment; Caroline County, 8.8 percent unemployment; Dorchester County, 10.9 percent unemployment; Somerset County, 9.5 percent; Washington County, one of the growth counties not far from here, 9.4 percent unemployment—some of those people commute to Washington to work—and then Baltimore City, the center of our State, 10.6 percent unemployment.

I thank the leadership for bringing forward an unemployment compensation proposal to extend benefits that apply to every State because we need it in Maryland. I could talk about minority unemployment and the fact that the African-American unemployment rate in this country is around 15 percent. The Latino unemployment rate is around 12 percent. There are pockets of unemployment in all of our States that are at extraordinarily high numbers, and that is why we need to extend the unemployment benefits.

Let me also point out that these are not benefits that aren't paid for. These are insurance benefits. They are paid for by the current workforce. They pay into a fund so we have money available in a recession to help those who lose their jobs and can't find employment. That is why it is called unemployment insurance benefits. It is there for this circumstance.

Is there anyone here who denies that we are not in a tough time if you are looking for a job? We all know that. So

now is the time to extend unemployment benefits so people have income in order to be able to literally survive until our economy can rebound.

Let me also point out, I know there are a lot of us who are always looking for bills on which to put amendments. I understand the frustration of some of my colleagues. Here is a bill, it is a tax bill, let's put a provision on it. Quite frankly, I have a few provisions I would like to see enacted into law. This is not the right bill to do it on. If we put amendments on this bill and let it go back to the House with issues that are unrelated to unemployment compensation, it could take a long time to reconcile those differences.

We already have some differences with the House with regard to the States that qualify. Let's reconcile that quickly so that individuals such as Charlene, who currently are losing their benefits, know soon that they are going to be able to continue to get these unemployment benefits. It is important that we act quickly to get the job done.

One last point for my colleagues. This is important. It is the right thing to do. It is what government is here for—to help people who are literally out of luck because of no fault of their own but the economy. It is what we are supposed to do as far as the right type of social programs to protect people during tough economic times. But there is a tradeoff that helps our economy. This money goes directly back into our economy. Every dollar we pay out in unemployment insurance benefits will come back and have a multiplier effect of more money than we give in benefits in helping our economy grow. So this is the right remedy to help our economy. It is the right thing to do for the 1.9 million Americans who otherwise would lose their benefits by the end of the year.

We have a chance in just a few minutes to move this bill forward so it can be reconciled with the House quickly, and then we can assure the people of our community that, indeed, we responded and provided the appropriate type of relief for those who cannot find employment today.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AFGHANISTAN TROOP REQUEST

Mr. KYL. Mr. President, I believe it is now time for President Obama to move forward with General McChrystal's plan for executing the war in Afghanistan and to fully support his troop request.

The President has correctly called Afghanistan a "war of necessity." The counterinsurgency strategy that he announced last March is a good one, and it has been widely accepted. Having read General McChrystal's August report, I believe it may represent our only chance to successfully implement

the March strategy, and it will require the forces that General McChrystal has recommended.

There is no reason to delay the decision regarding a troop increase until after the Afghan election, a point that I will talk about in a moment. Our national security is at stake regardless of the government in Kabul. The outcome of the Afghan runoff election on November 7 will not change our mission there. Whether Abdullah or Karzai wins, our mission will be the same, and time is not on our side. General McChrystal's August report said we have only 1 year. It is now down to 10 months, and it will take time to get troops in-country.

I want the President to know and the American people to know that Republicans will support the President if he follows through on his strategy and provides General McChrystal with the resources he needs. But this must be done in a timely fashion. The strategy can only succeed if it is implemented within the next 10 months and with the resources that have been recommended.

The stakes are high in Afghanistan. When President Obama announced his strategy last March, he said:

If the Afghan government falls to the Taliban or allows al-Qaida to go unchallenged, that country will again be a base for terrorists who want to kill as many of our people as they possibly can.

Mr. President, he was right. The Afghan people are watching. When I was in Afghanistan this past April and visited with tribal elders in Kandahar, for example, it was very clear the Afghan people were looking to the United States for a commitment to their security. If we can't provide that security to them, they will be forced to make accommodations with the Taliban.

Pakistan is also under threat, as Secretary Clinton recently pointed out. She said:

The extremists in Pakistan, whatever their titles or whatever their affiliation, are increasingly threatening the authority of the state.

We all know if nuclear-armed Pakistan were to fall into extremists' hands, the world would face a monumental crisis. Moreover, if Pakistan senses a lack of commitment on our part, how long will it be until it seeks accommodation with al-Qaida and affiliated terrorist groups?

For these reasons, we must not short-change the mission in Afghanistan. General McChrystal was very clear about the need for more troops. In his assessment he said the following:

ISAF, [the International Security Assistance Force]—

Of which the United States is a part—

requires an increase in the total coalition force capability and end strength.

During an August speech to the Veterans of Foreign Wars, President Obama made this pledge to our Armed Forces:

I will give you a clear mission, defined goals, and the equipment and support you

need to get the job done. That is my commitment to you.

Of course, the President can now demonstrate that commitment by following the advice of his general and providing the resources that have been requested.

What exactly is General McChrystal's plan? Well, I think his assessment demonstrates both a thorough understanding of the Afghan people and the enemy we are fighting. He described the situation as:

Three regional insurgencies [that] have intersected with a dynamic blend of local power struggles in a country damaged by 30 years of conflict.

Not an easy situation, obviously, and he described the enemy as follows:

The conflict in Afghanistan can be viewed as a set of related insurgencies, each of which is a complex system with multiple actors and a vast set of interconnecting relationships among those actors. The most important implication of this view is that no element of the conflict can be viewed in isolation.

In other words, we can't defeat al-Qaida without also addressing its support networks—the Taliban and the so-called Haqqani groups. These are the groups that work with al-Qaida, protect it, and give it a place to hide when we attempt to deal with al-Qaida.

In order to effectively counter this enemy, General McChrystal proposed a comprehensive plan that would effectively implement the President's strategy—improve the performance of the Afghan security forces, prioritize responsible and accountable governance, gain the initiative to reverse the insurgency's momentum, and focus our resources on areas where vulnerable populations are the most threatened.

One of the key principles of General McChrystal's plan is increasing Afghan ownership of its own security. He said in his assessment:

ISAF, with the Afghan National Security Force, must shift its approach to bring security and normalcy to the people and shield them from insurgent violence, corruption, and coercion, ultimately enabling the Afghan government to gain the trust and confidence of the people while reducing the influence of insurgents.

Further, General McChrystal describes this step as necessary to fix what he calls the "crisis of confidence" in the Afghan Government and coalition forces.

General McChrystal has also said that more effective integration and partnership between Afghan and coalition forces will enable a more rapid expansion of the Afghan security force's capacity and responsibility for security. The same method was implemented in Iraq, resulting in a dramatic increase in the quality of Iraqi security forces.

So those who say we should only train more Afghan troops and police present a false choice. General McChrystal proposes a total counterinsurgency strategy with both more Afghan police and military forces; but until they are trained sufficiently to do

the job, an adequate and sufficient group of U.S. and NATO forces to both train the Afghan forces and provide the security that is necessary during that interim period of time.

General McChrystal stated in his assessment:

Ideally, the Afghan National Security Forces must lead this fight, but they will not have enough capacity in the near term given the insurgency's growth rate. In the interim, coalition forces must provide a bridge capability to protect critical segments of the population. The status quo will lead to failure if we wait for the ANSF to grow.

That is to say, the National Security Forces of Afghanistan.

So, again, to simply argue we should train more NATO and U.S. security forces in the interim is a false choice. We need to do both. But in order to do the former, we must do the latter; that is to say, we have to increase our own troop strength in order to have the ability to both hold the line and train the Afghan forces who will ultimately be able to provide security for that country.

Now to the matter of time. General McChrystal said in his assessment:

Time matters; we must act now to reverse the negative trends and demonstrate progress.

One of the key points the general made in his assessment was this: He said:

I believe the short-term fight will be decisive. Failure to gain the initiative and reverse insurgent momentum in the near term (next 12 months)—while Afghan security capacity matures—risks an outcome where defeating the insurgency is no longer possible.

As he said, time is of the essence. By the way, this 12-month clock started ticking in August when he submitted his report. So at this point, 10 months remain on the general's stopwatch to turn the tide of this war.

Even if the President makes the right call without further delay and gives General McChrystal the resources he needs to prosecute the strategy the President ordered in March, it will take months before additional troops are available for the mission.

Unlike Iraq where we did have at least a nominal infrastructure in place, in Afghanistan there are few roads and fewer other amenities and facilities with which to support the troops. All of that takes additional time to create.

The troop surge in Iraq didn't turn the tide of that war until 6 months after President Bush announced it. As I said, that was on terrain significantly easier to navigate than Afghanistan's mountainous border region where many of our soldiers are fighting today.

Coalition forces are losing ground to the Taliban with current troop numbers. According to General McChrystal:

Many indicators suggest the overall situation is deteriorating, despite considerable effort by ISAF.

So I submit that President Obama should delay no longer a decision to deploy troops that are necessary within

this 12-month timeframe set out by General McChrystal in order to retake the momentum of this war.

Finally, I mentioned earlier the Afghan election should not delay the President's decision. I disagree with the argument some have made that there should be some sort of test to determine whether the Afghan Government will be a reliable partner before we decide to commit additional troops.

The very reason U.S. troops are fighting in Afghanistan is because there is no strong government to maintain security and fight corruption there. The point is to make it more reliable, to influence it to be less corrupt, and to protect the Afghan people so they will reject Taliban control and support their government.

We need to help foster a situation in which the Afghan Government can grow into an institution that can provide for its people. That is what a successful exit strategy will look like. We should not curtail our effort in Afghanistan because of a less-than-ideal political situation today.

President Karzai noted last week:

The [Afghan] institutions are just young toddlers in this democracy that resembles a toddler. It walks and falls. We have to understand that, and we have to accept the Afghan elections in the context of the Afghan situation and the poverty and lack of means in this country.

I add to that that President Karzai and his administration need to be more forceful in helping to bring those institutions about, to ensure that the election is not fraudulent and to ensure that his government is not corrupt and to do what is necessary to gain the trust of the Afghan people.

But are we likely to have more influence in achieving that result by deciding that we can't commit the troops necessary to carry out the recommendations of General McChrystal, all of which will probably push the Afghans further toward the Taliban or by making the point that we are going to help establish the kind of government that is reliable and we are going to do that by engaging in this counterinsurgency strategy with everything that it takes, including the additional troops that are required, and thereby have the kind of influence over the Afghan Government that will bring it into a more reliable situation and enable them to rely on the security we provide rather than making accommodation with the Taliban?

General McChrystal stated in his assessment that one of the key sources of the Taliban's strength is the perception by Afghans that a victory by the Taliban is inevitable. We need to make sure it is not. How can the United States expect to influence matters in Afghanistan if we are viewed as looking for a way out and not putting in the troops General McChrystal has requested?

Very importantly, this same question applies to Pakistan. We ask Pakistan to help us fight the Taliban and al-

Qaida and other terrorist groups who are active in Afghanistan. But if we are viewed as an unreliable partner because we are not willing to commit sufficient troops, the people of Afghanistan and Pakistan will hedge their bet with the terrorists and their supporters. That is what has happened there in the past.

When I went there last April and talked to Ambassador Holbrooke before I went, I said: Mr. Ambassador, what message would you like us to try to convey?

He said: Help them understand we are there for the long run. We are not going to cut and run; we are going to stay with them and help them and do whatever is necessary for them to gain control of their country.

I conveyed that message, and I believed it, and I want to believe it. But if we do not make the decisions to carry out this strategy the President announced in March, then the Pakistanis are going to be asking the same questions we did a few months ago: Will you be with us? Will you stand with us or are we going to have to make accommodations with people neither you nor we like very much? One individual said: Why would they make enemies with the people they are stuck with long after we have left? In other words, they don't live in a very good neighborhood. I think that is what General McChrystal's request is about—proof that we are committed to seeing this fight through against the common enemy.

Interestingly, we faced a similar situation in Iraq. If we had opted against the surge in 2007, at a time when Iraq's central government was extremely weak and unable to protect its citizens from the insurgency there, the Iraqi people most likely would not have been able to eventually take ownership of their own security. But they did.

Similarly, if President Obama were not to provide the additional troops General McChrystal needs, I believe we risk allowing Afghanistan to become the country it was on September 10, 2001—a result that none of us want.

In Iraq, the surge created the space for Prime Minister Maliki to take greater control and reduce corruption in the Iraqi Government, and a troop surge in Afghanistan would allow President Karzai—or a new President Abdullah if he were to win—to do the same.

A stable and legitimate government in Kabul is critical to the security of Afghanistan. But the United States cannot hinge its strategy on the current reliability of the Afghan Government, and the President should not wait until after the election to announce his troop decision. To do so would suggest that the United States doesn't have a core national interest of its own in Afghanistan, one based on our security. Yes, we aim to help establish the rule of law in Afghanistan, but our core national interest in that nation does not change based on who is elected in their November 7 runoff.

Mr. President, in conclusion, I believe General McChrystal's assessment really rises above the political fray. It offers an objective description of what is happening on the ground and what resources are needed to turn the tide of this war. This report may represent our only chance to successfully implement the President's March strategy—as I said, a strategy with which I think we all agree—and it will require the forces General McChrystal has recommended.

Regardless of the current status of the Afghan Government, we must foster a situation in which it can grow into a government that can provide basic services, and that will require, first of all, providing security for its people. Our influence over this process will be far greater if we make it clear that we are there to stay until our goals are achieved.

It has been 2 months since General McChrystal sent his assessment to Washington. I respectfully submit my recommendation to the President that he approve this full troop request and that he do so as soon as possible. If he does, as I said, I believe Republicans will be very supportive of his policy.

Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, what is before the Senate at this time?

The PRESIDING OFFICER. The Senate is in morning business.

UNEMPLOYMENT BENEFITS EXTENSION

Mr. REID. Mr. President, in about 50 minutes the Senate will be called upon to vote on a motion to invoke cloture on a very important piece of legislation extending unemployment benefits for American workers.

Another 7,000 jobless Americans will lose their unemployment insurance today, just as 7,000 did yesterday and 7,000 more will tomorrow. The Republicans have held up this matter for approximately 3 weeks. What does that mean? It means that the first week, 49,000 Americans were people whose unemployment insurance ran out, and they had nowhere to turn. In 2 weeks—the math is simple—it was 98,000 Americans from all over America, including the State of Delaware and the State of Nevada. In 3 weeks, it was 147,000 people, just the same. These are people who are desperate. To say I am disappointed in the way Republicans have shown a complete lack of regard for the people behind those staggering numbers is an understatement. Approximately 150,000 people have been hurt as a result of the intransigence of the Republicans in the past weeks.

The Presiding Officer and the Senator speaking are from States that have small towns and cities; 150,000 is a huge city by Nevada standards. A city of 150,000—that is what has happened these last 3 weeks. That is 150,000 people without anywhere to turn. Their government is not helping them. They have likely begged and borrowed from family as much as they could. Their savings are gone.

We know that when the economy recovers, the unemployment rate is one of the last numbers to rebound. That is what economists call a lagging indicator. That is just the way it is and has always been. So even as the economy begins to turn around, jobs will turn around slower.

That fact, incidentally, is all the more reason for us to fix our economy faster, to stop putting off reforming a broken health insurance system that bankrupts so many families. In America today, people are at the courthouse filing bankruptcy. Last year in America, 750,000 people filed bankruptcy because of medical costs.

How many people do you think filed for bankruptcy in France, Germany, Japan, Switzerland, England, Canada? How many filed for bankruptcy as a result of health care costs? Zero. People say: Oh, socialized medicine. France, Germany, and Japan have private insurance.

Our health care system bankrupts many families. We need to do a lot of things to get us out of this hole we are in. The sooner we do these things, the sooner jobs will come back. But they are not back yet. The people of Nevada and others across the Nation are hurting. Unemployment is at a 26-year high in our country and at an alltime high in Nevada. We became a State in 1864. It is the highest unemployment rate we have ever had.

These good, hard-working people lost their jobs most of the time through no fault of their own, and many lost their health care along with it. They are having trouble finding new jobs, and so they are burning through whatever savings they have, if they have any, if they put away for their old age or children.

Some of these unemployed Americans are beginning their careers, some were at the prime of their careers, and some are scrambling to finish, with dignity, what they earned over decades of hard, honest work.

This is the Democrats' simple proposal. It is not very complicated at all: Let's support those families who have been the victims of this recession. They need to put food on the table, send their children to school, and pay the ever-rising medical bills.

If you want to do something that will help jump-start the economy, that will stimulate the economy, how about giving these people who are out of work and have been out of work for an extended period of time a check? What are they going to do with it? They are going to spend it. Why? Because they have to.

We are not asking for much, and we have the money to help them. Over the years, workers have contributed a little bit each paycheck to fund a safety net in the event they lost their jobs. It was insurance against unemployment. That is what it is called—unemployment insurance. That is exactly what has happened. Now they want to take that money—money set aside for this purpose—to keep them afloat until they land the next job.

We have a proposal—a paid-for proposal, one that does not add a dime to the deficit—to extend to workers their unemployment insurance by up to 14 weeks and up to 20 weeks in States such as Nevada that have been hit the hardest. We have the power and the ability to do it. That is what we should do. It is the right thing to do.

The Republican response to that idea might sound familiar. It is a word we have heard from them more and more in recent days. The Republican response in helping the unemployed is two letters: No. Republican Senators from Louisiana, Alabama, Arizona, and Kentucky are among those saying no to helping unemployed citizens in Louisiana, Alabama, Arizona, and Kentucky. I doubt that is the kind of legislating their constituents had in mind when they sent them to the U.S. Capitol and asked them to be their voice in Congress.

When we first brought up this bill 3 weeks ago, Republicans decided they would rather fight a partisan fight, as they have been doing now, than help unemployed men and women in their own States. This unemployment is not targeted to just a few States. The Republicans decided to make a political statement by demanding completely irrelevant amendments, amendments not germane, amendments that have little, if anything, to do with unemployment or even the economy, generally, and they decided the political statement was more important than helping constituents afford to pay bills. That is wrong. It is an outrage.

That day when we started this legislation, when we first brought it to the Senate floor to help unemployed Americans, Republicans said no. The sad part about it, they are still saying no. I hope, after all we have been through and when that vote comes at 6 o'clock, we will have some brave souls step across the aisle and help us get this done.

When we started this process 3 weeks ago, they said no. The next morning, 7,000 people woke up without the unemployment insurance on which they had been counting. The next week we tried again. By now, we have 49,000 people who have lost their unemployment benefits. Once again, Republicans said no. Again, 7,000 Americans lost the help they needed to get by. Then, last week, we tried again. Once again, the Republicans said no. Again, we had a week of 7,000 people losing their work benefits.

In the days since Republicans first said no to helping unemployed Ameri-

cans, we have about 150,000 who have lost the relief they desperately need. Today, while Republicans continue to waste time, to stall so we cannot get things done here, another 7,000 will be added to the approximately 150,000 who have already lost their unemployment insurance. If we do not act, that number, by the end of the year, will be 2 million. I wonder how much higher does that number have to climb before Republicans put people ahead of their partisan excuses.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for 7 minutes on the Republican time of the time allotted after 5:30 p.m.

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

SUDAN POLICY

Mr. BROWNBACK. Mr. President, I wish to draw the attention of the body today to a policy initiative that was put forward by the Obama administration last week. It is on a topic a lot of people have been involved in for a long period of time. It involves Sudan, Darfur, and the genocide taking place in Sudan. It now involves new policy steps the administration is proposing to take to build a relationship and overtures to the Sudanese Government.

This is engagement to the extreme because President Bashir of Sudan is an indicted war criminal whose government is conducting a genocide, as declared by the Congress of the United States and the administration. For the first time in the history of America, we would be engaging an individual who is both an indicted war criminal, being pursued by the International Criminal Court, and also who has conducted a genocide in Darfur. We are talking about: OK. We need to start maybe engaging, and now there have been visas issued to top members of President Bashir's inner circle to come into the United States and discussion of a carrot-and-stick approach to Sudan, when he is running a genocide in Darfur and is an indicted war criminal. This is atrocious on its face. It is engagement to the extreme. It is wrong, and it would be harmful to long-term U.S. interests.

What happens the next time an individual is involved in genocide? Do we say: If you start behaving a little less worse on your genocide, we will start to give you some carrots to help you out. What about the next indicted war criminal, do we say: If you are a little less bad, if you only kill 500 a day instead of 1,000, we are going to start offering you carrots instead of sticks in

this approach. This undermines the moral authority of the United States. It is the wrong thing to do.

I wish to give a couple historical examples.

Toward the end of World War II, Heinrich Himmler, who was No. 2 in charge—but after Hitler committed suicide was No. 1 in charge—of Nazi Germany reached out to the Allied commander, General Eisenhower, and wanted to start negotiating with him: If he could be allowed to live, they might negotiate some sort of settlement. Eisenhower completely ignored it and treated him like the war criminal he was. Can you imagine if we would have started negotiating with Himmler at that time?

Let me give some more recent examples. What about Serbian leader Karadzic, the so-called “Butcher of Bosnia,” accused of slaughtering hundreds of thousands of innocent people? The State Department did not say: If you are a little less bad and don’t kill quite as many people, we will start negotiating with you. They didn’t say that. They put a \$5 million reward out to anybody who gave us information leading to his capture, and he currently resides in a prison in The Hague.

What about Charles Taylor, the “Butcher of Liberia,” who ran on an election slogan—listen to this: “He killed my pa, he killed my ma, but I will vote for him.” That was his election slogan. Taylor was directly involved in coordinating and supporting unthinkable atrocities over many years and, after ceding power, was indicted for war crimes and crimes against humanity.

Here is an indicted war criminal. Did we say to him: OK. Mr. Taylor, if you start not killing as many people, we will negotiate with you? Of course not. What the Congress did was offered and passed legislation giving a \$2 million reward for Taylor’s capture, and he now sits in a prison in The Hague.

It would be unthinkable for us, in those circumstances, to say: OK. We will start negotiating with these indicted war criminals, butchers of their own people, and we are going to start working with you because you are going to act a little less bad. Yet that is what we are talking about with President Bashir, an indicted war criminal, conducting a genocide in Darfur that we have declared.

We have had hundreds of thousands of people across America going to rallies to save Darfur, and now we are talking about a carrot-and-stick approach with him?

I say no. I say we cannot do this, and if we do this in this circumstance, what about future genocidal regimes? What about future indicted war criminals? Is there any standard upon which the United States can or will stand at those points in time or could we, at that point in time, if we do this in this particular case?

I am all for getting some form of movement on the north-south agree-

ment so the south can vote next year and will probably vote to secede and form its own country in the south. I think that is prudent and wise, after many years of civil war and the negotiations that took place to get a north-south agreement. But I do not at all think you can trade that for us negotiating with this indicted war criminal.

I urge my colleagues not to support this effort on behalf of the administration to engage a genocidal regime in Khartoum.

I appreciate my colleagues’ attention. I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, what is the pending business before the Senate?

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to H.R. 3548, with the time equally divided and controlled between the leaders or their designees.

Mr. BAUCUS. I thank the Chair.

Mr. President, the unemployment rate is now 9.8 percent. Before long economists expect it to top 10 percent. That means nearly 15 million Americans have lost their jobs—15 million. That is 15 million people looking for work. About 5 million people have been looking for work for more than 6 months. There are about 3 million job openings. That is 15 million people chasing 3 million jobs.

We are in what folks call the “Great Recession.” Real people are facing real hardships every day. On September 15 of this year, the Finance Committee held a hearing on unemployment insurance benefits and where we would go from there. Senators discussed the effects of the current condition on beneficiaries, the business community, and the State unemployment systems. We considered proposals to support unemployed workers through the continuing recession.

A recent edition of the Federal Reserve’s Beige Book reported that the economy is still stabilizing. Unfortunately, the labor market still remains weak. Companies are being cautious about adding permanent staff. Instead, they are asking more from their existing staff.

We need to continue our work to create jobs, and we also need to help our neighbors who are looking for work. That is what we did in the Recovery

Act. We need to act on behalf of unemployed Americans and their communities. In helping our unemployed neighbors, we also can help to keep open the neighborhood grocery store and the neighborhood gas station. That is how unemployment insurance benefits not just people who are unemployed but helps communities.

In helping our unemployed neighbors, we also help to keep houses out of foreclosure. In helping our unemployed neighbors, we also help our economy and ourselves.

The House of Representatives passed a bill to give an additional 13 weeks of benefits to unemployed people in States with unemployment rates of 8½ percent or more. That is what the House did. I commend our colleagues in the House for their rapid response. But Leader REID and I want to make sure all Americans who have exhausted their benefits during these tough times get help.

Today we are joined by Senator REED of Rhode Island, Senator SHAHEEN, Senator DODD, and a total of 38 Senators in all in offering an amendment to the House bill. Our amendment would give 14 additional weeks of benefits to unemployed people who exhaust their benefits no matter what State they live in—14 additional weeks of benefits for everyone. Our amendment would also give 6 additional weeks of benefits on top of that to unemployed people who exhaust their benefits in States with 8½ percent unemployment or more. So 14 weeks to all States, and then an additional 6 weeks in those States where unemployment is 8½ percent or more.

The total cost of our package is \$2.4 billion and paid for with an extension of the Federal unemployment tax, or FUTA, until June 30, 2011.

Today we have a chance to lend support to unemployed Americans. In so doing, we have a chance to help our economy and ourselves. But first we have to proceed to the bill. I urge my colleagues to support this important legislation and vote for the motion to invoke cloture.

Mr. President, I yield 5 minutes to the Senator from New Hampshire, Mrs. SHAHEEN, who is one of the main cosponsors of the amendment. She is the real strong advocate of getting this legislation passed and a strong advocate for the people of her State, and I deeply appreciate her work.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senator BAUCUS for his very kind remarks and for his leadership to do something to help those workers who are unemployed across this country who are losing their benefits and don’t know where to turn.

As Senator BAUCUS has said, the Senate is about to vote on a motion to advance the Unemployment Compensation Extension Act. I am disappointed that we still haven’t been able to pass this extension, but this evening we can

vote to overcome a procedural hurdle and take an important step forward.

As Senator BAUCUS has said, this is critical legislation that will help nearly 2 million jobless Americans who are about to have the safety net pulled out from under them. The bill provides 14 additional weeks of unemployment insurance to jobless workers in all 50 States, and in those States where unemployment is the highest, they would receive an additional 6 weeks.

For 3 weeks, this critical legislation has been delayed for nothing more than political reasons. In that time, more than 100,000 Americans have exhausted their unemployment benefits. The American people should be outraged about these delays. I hope today those in opposition will end their obstruction, will stop the political games, and will help us pass this bill to stimulate our economy and help those Americans who, through no fault of their own, can't find a job.

I am confident that when we finally get to the vote, this extension will garner the broad bipartisan support it deserves. That is because unemployment isn't a New England problem or a Montana problem or a southern problem. It isn't a Republican, an Independent, or a Democratic problem. It is a hardship that hits every community in every State in every part of our country.

I recently visited an unemployment office in Manchester, NH, and I heard from people who, despite their best efforts, are unable to find a job. They want to get back to work, but they face one of the worst job markets since the Great Depression. I want to share this afternoon a couple of stories I heard from unemployed workers and those who have called my office pleading for help.

Carry-Ann is a 39-year-old single mother from Concord. She wrote that she has been out of a job for more than a year, and she has been relying on unemployment to support her two teenagers and to pay the mortgage. Carry-Ann qualified for a job training program, and she has been training for a career in health care.

That is appropriate, given the other debate that is going on in this body.

She has been training for that career in health care because she knows that is a sector that needs workers. But if her unemployment runs out, she wrote, she will lose her home and she will have to relocate, which means she would not be able to finish her job training program and will lose the prospects of getting a good new job.

Carry-Ann isn't asking for a handout. She is trying to gain self-sufficiency for herself and for her family by getting educated and gaining the skills she needs to build a career. But she will be unable to do so unless we pass this extension.

Richard is a 43-year-old from Somersworth, NH, one town over from where I live in the southern part of the State. He explained that he has been looking for work for over a year. He

has been using his unemployment benefits to support his family. Richard used to have a management job, and at interviews he has been told time after time that he is overqualified and he would not be considered. Employers think he will leave their job as soon as better opportunities open.

But Richard has a family to support today and his benefits are going to run out soon. He is like many Americans looking for work right now. If we do nothing, he could lose his credit, his car, and his home.

Extending unemployment benefits will help Richard and Carry-Ann and their families and tens of thousands of others like them across this country. It will help them weather this storm.

As I have said many times, when we extend unemployment, we are not just helping jobless workers, we are also helping the businesses that provide the goods and services that unemployed workers need. People collecting unemployment spend their benefits immediately on necessities to keep their families going, which means these dollars get into communities almost as soon as the check arrives.

Economists say, dollar for dollar, extending unemployment benefits is one of the most cost-effective actions we can take to stimulate the economy. Passing this extension of unemployment benefits is the right choice for unemployed workers and for our communities.

Mr. President, this extension is long overdue. We owe it to those Americans who are out of work to pass this extension.

I yield the floor.

Mr. BAUCUS. Mr. President, if Senator SHAHEEN wishes to take more time, I am more than willing to extend it to her.

Mrs. SHAHEEN. I have finished, but I thank my colleague very much, and I yield the floor.

Mr. BAUCUS. I thank the Senator very much.

I say to my colleagues that now is a good time to speak on extending unemployment insurance, now that we are on the motion to proceed. We will vote fairly quickly, but if Senators do want to come over to express their views, now is the time to do so.

Pending the arrival of Senators, Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask the Presiding Officer, how much time is remaining on each side?

The PRESIDING OFFICER. There is 7 minutes for each side.

Mr. BAUCUS. I yield to the Senator from North Dakota as much time as he wishes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I appreciate the courtesy of the Senator from Montana.

The issue before us is very simple. When you have a severe economic downturn of the type we have had, a very deep recession, that is when you try to employ the economic stabilizers that help people who lose their jobs—unemployment insurance. The extension of unemployment insurance has almost always been nearly automatic because everyone understands the urgency of doing it. When many additional people have been unemployed for lengthy periods of time, you try to reach out and help.

The cloture vote tonight is on a motion to proceed, and it so demonstrates the dysfunction of the Senate these days. The motion to proceed is filibustered by the other side when we are trying to help some folks who have lost their jobs. Many have lost hope during a steep economic decline. We can't even get cooperation on a motion to proceed to try to address the extension of unemployment benefits. It is pretty unbelievable to me.

Last fall, I watched some of the same folks who were objecting to that rush to the starting line to see if we couldn't give hundreds of billions of dollars to the biggest financial firms in the country that ran this economy into the ditch—let's give them a lot of money. But you know what, not when it comes to helping the folks at the bottom, those who have lost their jobs.

By the way, last month 263,000 Americans lost their jobs; last month—263,000. Just pick one out of 263,000 and think of somebody coming home from work and saying: Honey, I have lost my job; to say to their husband or wife: I have lost my job. It wasn't because I did a bad job, it was because they cut back at the plant or the office, so now I am unemployed. It was not their fault. The question is, What do we do when this happens? Normally when this happens, we extend unemployment benefits to those who are facing very difficult times.

This is the steepest, deepest economic decline since the 1930s. This country has been in very serious economic trouble for some long while now. It nearly fell off a cliff last October. So this action now should be almost automatic. But nothing, even common sense, is automatic around here because we are now struggling, at the end of today, a Tuesday, to get a cloture vote on a motion to proceed to do something that everybody knows we have a responsibility to do. It is almost unbelievable.

I want to say how frustrating it is that we do not get any cooperation on anything to move forward things that are of an urgent nature. I suppose this is not urgent, perhaps, unless you are

unemployed and trying to figure out: How do we get the money to eat? How do we get the money to pay rent? How do we get the money to provide the funding for the kids to go to school? It is probably not urgent for people who are not in that situation, but if you are in that situation during a very severe economic downturn, this is urgent. We need to extend these benefits.

My colleague from Montana and his committee have worked on this and brought it to the floor. It would have been nice if they had gotten just a little cooperation so we would not have to go through this, file a cloture motion, wait 2 days for it to ripen, then 30 hours postcloture. What is the deal? I don't understand at all. Dig your heels in when it comes to trying to help the folks who need help the most and say the sky is the limit when it comes time to help those who have the most? That turns logic on its head, in my judgment.

My hope is that at 6 o'clock tonight when we vote, we will have the 60 votes. We should never have been put in the position to have to try to break a filibuster on a motion to proceed. We are not even on the bill; it is a motion to proceed to the bill. What an unbelievable lack of cooperation on something that is so essential during a steep economic downturn, to help those whose jobs have been washed away, who desperately need help for themselves and their families. That is what we are trying to do.

I hope that perhaps following the disposition of this—and I hope we will get this done—we will get some additional cooperation on things that really matter.

I appreciate the time given me by the Senator from Montana.

I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum and ask consent that the time be equally charged to both sides.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 174, H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Harry Reid, Patty Murray, Mark Udall, Roland W. Burris, Mark Begich, Byron L. Dorgan, Frank R. Lautenberg, Amy Klobuchar, Bill Nelson, Jack Reed, Carl Levin, Jeff Bingaman, Bernard Sanders, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 87, nays 13, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—87

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hutchinson	Reed
Boxer	Inouye	Reid
Brown	Isakson	Risch
Brownback	Johnson	Roberts
Burr	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Kirk	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Shelby
Carper	Kyl	Snowe
Casey	Landrieu	Specter
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	LeMieux	Thune
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Crapo	Lincoln	Voinovich
Dodd	Lugar	Warner
Dorgan	McCain	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Feingold	Menendez	Wyden

NAYS—13

Barrasso	DeMint	Johanns
Bond	Enzi	Sessions
Bunning	Graham	Vitter
Coburn	Hatch	
Cornyn	Inhofe	

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 13.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

PENSION FUNDING

Mr. CASEY. Madam President, we are in the midst of a terrible economic recession. Over the course of the last year, we have lost millions of jobs. In Pennsylvania, for example, by com-

parison, the unemployment rate percentage is lower than a lot of States, but in many parts of our State it is at a historic high, or at least a 15-year high. What that means in Pennsylvania is that we have just about a half a million people out of work, even though some States have a much higher percent in their unemployment rate. So we have a half million people out of work.

The fact that we just had this vote on unemployment insurance is vitally important. It helps us meet a real need across the country. So we have an economic crisis. People are living through the loss of a job, the loss of a home, or both—in some ways, the loss of their hopes and their dreams. Unfortunately, even as we get through this, even as we begin to recover, and even as we are dealing with a longer term challenge to our economy, which is health care—which is one of the reasons I think we have to pass a bill this year—there are other threats we have to bear in mind. One of them involves not just businesses but, by extension, workers and families. I speak of the funding of pension plans.

A lot of businesses across the country—a lot of workers have come to Washington to remind us that this pension issue is a looming problem for a lot of businesses. I happen to be a member of the Health, Education, Labor, and Pensions Committee, and that is one of the issues we must deal with, and I think we will be dealing with, in the near term.

Millions of Americans, not just throughout our history our recent history but especially now, rely upon any kind of retirement vehicle, and one of those, of course, is a good pension plan. We need to give people in the twilight of their life the kind of security that comes with a pension plan. We also have to make sure workers have that same peace of mind as they make their way through this very difficult economy.

In 2006, the Pension Protection Act was passed by Congress. The main purpose of that act was to strengthen pension plans by implementing tougher funding rules. Most of the rules under the act took effect in 2008, and at that time the stock market was in turmoil. The combination of stronger pension funding rules in a chaotic stock market caused almost all pension plans to sustain a net loss, in essence.

I wish to turn to one chart that depicts that. One study released by Mercer stated that the combined loss for pension plans totaled \$469 billion for 2008. We can see the differential from 2007 where there was an overfunding of some \$60 billion. So in 2007, \$60 billion up; the next year lost over \$400 billion, down; to be exact, \$469 billion in terms of where we were in 2007 versus where we were at the end of 2008. Based upon this loss, pension plans have a funding deficit, a differential of \$409 billion—\$409 billion in 2008. In 2009, the pension funding deficit is expected to increase

yet again despite recent recoveries in the stock market.

We have to do what we must to strengthen our economy and to give our workers and their families and our businesses some peace of mind. That might be the best way to describe it. So this is more than just a looming crisis, more than just a problem in the near term, it is a problem we have to deal with right now, in the next couple of months.

Recently, the House Ways and Means Committee held a hearing that focused on pension funding relief. They gave an example at the hearing. NCR Corporation, a 125-year-old global technology company, testimony at this hearing provided a specific example of how company pension plans have been affected. NCR, this global technology company, had a pension plan that was 110 percent funded as of January 1, 2008.

So at the beginning of 2008, they were funded at 110 percent. They were in good shape, for the most part. The funding status, as those in the business know, is based on the amount of assets compared to the amount of liabilities. By January 1, 2009, just 1 year later, this same company, due to unprecedented losses in the market, had its funding percentage drop to 75 percent. So in 1 year, this company goes from 110 up of funding to 75 percent, a huge loss.

This is what it means in terms of dollars. The percentages only tell part of the story. Prior to the market loss, this company, NCR Corporation, expected to make payments totaling \$200 million over a 7-year period. That is what they could see down the road: \$200 million over that period. Instead, that payment has increased to \$1.5 billion—\$1.5 billion looking out ahead of them instead of \$200 million. So \$200 million becomes \$1.5 billion, and that is what we are going to see unless Congress provides some relief.

We have heard from countless companies across Pennsylvania and across the country that are in the same situation as this one example, the NCR company. The companies are not requesting a bailout. Let me say that again: They are not requesting a bailout. The companies are not requesting the American taxpayer to assist directly. The companies are simply asking Congress to extend the time period of recognizing the losses incurred during the market downturn.

In 2009—I will point to another study—Watson Wyatt reported that there would be \$32 billion in payments to fund pension plans in America. Without any relief from Congress in 2010, that amount will increase to over \$90 billion and increase to \$146 billion in 2011. So we go from, in 2009, \$32 billion, to 2010, and it keeps going up until we get to 2011, just 2 years from now, \$146 billion to pension plans in America.

American companies that are already struggling to break even today will have to decide between funding their

pension plans and cutting jobs. In order to avoid losing more jobs, at a time when the national unemployment rate is 9.8 percent, Congress should act swiftly to extend the amortization period for recognizing certain losses in pension plan assets, including other temporary provisions that will provide funding relief. Any relief should apply to single- and multiemployer pension plans.

As companies recover from the economic recession, we should not discourage economic growth by requiring a pension payment that will require companies to cut jobs. Instead, Congress should provide targeted relief—targeted relief—that will enable companies to spread out the losses over an extended period of time, which will allow capital to be invested in activities that will promote growth.

Ultimately, the intention of any pension funding relief legislation is to ensure the survival of the pension plan system. The American people have a right to expect that pension plans be stable and secure for their future. In Congress, we should work to implement any legislation that provides a healthy pension system just in the same way we provide security with a reformed health care system. In exchange for ensuring a good pension, a secure pension, and a better health care system—that is what we are saying to the American workers and to American businesses—it is important that we be very honest with people, with our workers.

We are going to say to our workers: We want you to compete in a world economy; we want you to go out and get more education; we want you to enhance your skill level; we want you to have a broader-based skill level so that when the economy takes a turn or market forces lead to a change in the industry that you are employed in or lead to a change in our economy, you will have the skill and the knowledge and the training and the education to be able to adjust.

So we encourage people all the time to get more education. We encourage people all the time to enhance their skill level. But we will be more successful in achieving that goal and we will be more honest with workers if we can say to them: You don't have to worry as much as you used to about your pension or about health care.

That should be a large part of the bargain, a large part of the agreement we make with our workers and our businesses because, if we are going to compete in a world economy, if we are going to have a highly skilled workforce that does that for us over time, we cannot say to people: Go out and improve your skills, go out and get more education, but we are not sure we can help you with your retirement security or your health care security. We can't ask them to do three things at one time. We can't ask them to go to work every day and worry about whether they are going to have health

care coverage or worry about whether their kids are going to be covered or worry about whether there is going to be a preexisting condition that will bar them from treatment or coverage.

We can't allow a situation to persist where we say to them: Go to work every day and continue to improve your skills and maybe get more education, but we are not sure we can help you on health care and, by the way, your pension plan might be at risk in the future; it may not be there for you when you retire.

We have to do something in a very strategic and focused way to take away some of that worry on health care and on pension and retirement security. If we do that, if we lessen that anxiety for people, I believe we are going to have a much more successful strategy as it relates to telling people and encouraging our workers to get more education, to get a heightened degree of training. If we do that, we are going to have a much stronger long-term economy. But we can't ask people to do it all themselves—to bear the burden of health care, to bear the burden of retirement security, and to bear the full burden of their education, their training, and their skill development.

So that is why this pension issue, even in the midst of a health care debate, is so critically important.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PASSAGE OF THE MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

Mr. LEAHY. Mr. President, tomorrow afternoon President Obama will sign the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law. I commend the President for acting so quickly on this critical civil rights measure. Its protections are long overdue. Last week, when the Senate was about to consider the Department of Defense authorization conference report, I spoke in strong support of its provisions including the hate crimes measure. At that time, I requested my entire statement be included in the RECORD. Unfortunately, my entire statement did not make it

into the CONGRESSIONAL RECORD so I ask that it now be printed in full as it was prepared and offered at that time. I understand that this error will be corrected in the bound version of the RECORD, but I wanted my full statement to be immediately available for those following the specific details of how the language in the conference report differed from my hate crimes amendment that the Senate passed earlier this year.

After more than a decade, Congress is finally set to pass the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 as an amendment to the National Defense Authorization Act, and I expect the President to sign it promptly. I am proud that Congress has come together to show that violence against members of any group because of who they are will not be tolerated in this country.

I thank Senator COLLINS for cosponsoring the amendment with me. I commend Senator LEVIN for working so hard to ensure that this provision would go forward as part of the conference report. I congratulate the Senate majority leader, Senator REID, for his essential role in this matter. In the House of Representatives, Speaker PELOSI and Congressman CLYBURN were similarly instrumental in this enactment.

I also want to take this opportunity to remember Senator Ted Kennedy who provided steadfast leadership on this issue for more than a decade. I wish he could have been here to see this bill, about which he was so passionate, finally enacted. I am honored to be able to see it through to the finish for him. I know it meant a lot to him. We miss him but his good work goes on.

Earlier this month was the 11th anniversary of the brutal murder of Matthew Shepard, a college student who was beaten and killed solely because of his sexual orientation. Matthew's parents have worked courageously and tirelessly for this legislation, which aims to ensure that this kind of despicable act will never be tolerated in this country. The bill was named for Matthew, as well as for James Byrd, Jr., a Black man who was killed in 1998 because of his race in another awful crime that galvanized the Nation against hateful violence. We appreciate and honor the important contributions of James Byrd's family as they have worked hard for this legislation.

Unfortunately, the years since these two horrific crimes have made clear that hate crimes remain a serious and growing problem. Most recently, the shooting at the Holocaust Memorial Museum showed that these vicious crimes continue to haunt our country. This bipartisan legislation will help law enforcement respond more effectively to this problem.

It is a testament to the importance of this legislation that the Attorney General of the United States came to the Judiciary Committee in June to testify in favor of it. We have been

urged to pass this bill by State and local law enforcement organizations, and dozens of leaders in the faith and the civil rights communities. Michael Lieberman of the Anti-Defamation League and my friend, Janet Langhart Cohen, among others, also testified passionately in favor of this legislation before the Senate Judiciary Committee earlier this year. I also very much appreciate the support of Wade Henderson of the Leadership Conference on Civil Rights and Joe Solmonese of the Human Rights Campaign, who have worked tirelessly to see this legislation passed.

The answer to hate and bigotry has to ultimately be found in increased respect and tolerance for all our citizens. In the meantime, strengthening our Federal hate crimes legislation to give law enforcement the tools they need is a necessary step.

The facts set out in several recent reports show that hate crimes and hate groups remain a major problem. Last June, the Leadership Conference for Civil Rights released a report finding that "the number of hate crimes reported has consistently ranged around 7,500 or more annually, or nearly one every hour of the day." A recent report from the Southern Poverty Law Center found that hate groups have increased by 50 percent since 2000, from 602 hate groups in 2000, to 926 in 2008.

This historic hate crimes provision will improve existing law by making it easier for Federal authorities to investigate and prosecute crimes of racial, ethnic, or religious violence. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law. It also focuses the attention and resources of the Federal Government on the problem of crimes committed against people because of their sexual orientation, gender, gender identity, or disability, which are much needed protections. In addition, this legislation will provide resources to State, local, and tribal law enforcement to address hate crimes.

In preparing this legislation and moving it through Congress, we have worked closely with the Justice Department to ensure that we are advancing legislation that is fair, constitutional, and effective in cracking down on brutal acts of hate-based violence. It ensures that Federal prosecutors are able to rely on evidence of limited and relevant additional conduct to prove that the violent act in question was motivated by bias. It would also strengthen Federal jurisdiction over hate crimes and clarify key certification requirements to allow the Federal Government to appropriately support, but not to substitute for, State and local law enforcement. As a former State prosecutor, I believe respect for local and State law enforcement is critical.

This legislation was carefully crafted to respect constitutional limits and differences of opinion. It will combat

acts of violence motivated by hatred and bigotry, but it does not target speech, however offensive or disagreeable, and it does not target religious expression.

I wish there had been more Republican support for this important civil rights amendment. Nonetheless, in the Senate we worked to address bipartisan concerns and issues. We incorporated Republican amendments mandating guidelines for hate crimes prosecutions, further changing first amendment protections, and creating a new criminal offense for attacks against servicemembers because of their service.

I am disappointed that the servicemembers provision contains a mandatory minimum sentence because I believe that mandatory minimum sentences can have unintended and unfortunate effects on sentencing and on our criminal justice system. However, I was pleased that we were able to limit the provision to one modest mandatory minimum sentence and require the United States Sentencing Commission to study the effect of mandatory minimum sentences. I am also glad that we were able to pass this bill without adding a new Federal death penalty, which would have needlessly inserted a divisive issue into this legislation.

I want to note that the sponsors and supporters intend with its passage, to authorize Federal investigations and prosecutions of those hate crimes described to the fullest extent permitted by the Constitution. Section 4707(a) of the defense authorization bill, which creates §249(a)(2)(B) of the new hate crimes statute, is desired to apply to the full extent of congressional authority under the Commerce Clause. Similarly, section 249(a)(1) should be interpreted broadly, to the full extent of Congress's authority under the 13th amendment.

Section 4710 of the bill sets out rules of construction for hate crimes legislation. These rules of construction are meant to be read as a collective whole. They simply confirm that the statute should be applied consistent with the first amendment and the Federal Rules of Evidence. They are not meant to prevent the admission of any evidence that is relevant, consistent with the first amendment, and otherwise admissible under the Federal Rules of Evidence, including under rule 404(b).

President Obama has worked closely with us to facilitate the quick passage of this vital hate crimes legislation. In his first few months in office, he has acted to ensure that Federal benefits are awarded more equitably, regardless of sexual orientation, and now to ensure that this hate crimes legislation becomes law. Unlike in previous years, our bipartisan hate crimes bill does not face a veto threat. We have a President who understands that crimes motivated by bias are particularly pernicious crimes that affect more than just their victims and those victims' families. I expect the President to sign this legislation without delay.

Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. For nearly 150 years, we have responded as a Nation to deter and to punish violent denials of civil rights by enacting Federal laws to protect the civil rights of all of our citizens. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 continues that great and honorable tradition. Passage of this legislation, at last, will show, once again, that America values tolerance and protects all of its people.

VOTE EXPLANATION—DOD AUTHORIZATION

Mr. HATCH. Mr. President, I rise today to discuss my decision to vote no for the fiscal year 2010 National Defense Authorization Act.

Throughout my career I have always been a staunch supporter of our men and women that serve our Nation. Their courage in the face of danger to preserve our freedom is inspiring. And my vote on the Defense authorization bill does not change that belief at all. In fact, I was pleased to include legislation in this year's bill that will require the Secretary of Defense to review and establish a long-term plan to sustain the solid rocket motor industrial base. This review will be vital to ensure we maintain a robust industrial base and our ultimate strategic defense for decades.

I have always been impressed with the great working relationship I have enjoyed with my esteemed colleagues on the Armed Services Committee and their professional staffs. My vote by no means diminishes my respect for the Armed Forces.

Unfortunately, the congressional majority has decided to needlessly inject controversy into what should have been a bipartisan effort to fund and support our troops in a time of war. I am, of course, speaking of the decision to attach the unrelated hate crimes provisions to this legislation. For one reason or another, the Democrats have once again decided that, even with their overwhelming majorities in the House and Senate, the Federal hate crimes legislation cannot be debated and passed on its own merits and that, instead, this divisive legislation should become part and parcel with our efforts to provide our military with much-needed resources.

I have long been opposed to this approach with regard to hate crimes. Make no mistake, none of us are indifferent to the problems associated with violence motivated by prejudice and violence. However, I believe that the approach provided for in this bill would needlessly expand the powers of the Federal Government at the expense of the traditional police powers of the States. Worst of all, it would do so without a demonstrated need. Indeed, a few months back, I asked the Attorney

General—who supports this legislation, by the way, in a hearing whether there was any evidence of a trend that these crimes were going unpunished at the State level. He stated without reservation that there was no such evidence and that, in fact, the States were, by and large, doing a fine job in this area. If that is the case, what is the purpose of this legislation? Why are we going to expand the law enforcement powers of the Federal Government into what are essential State crimes when these crimes are already being handled adequately by the States? I have yet to hear a decent answer to that question.

Now, some of us may be tempted simply to vote for the Defense authorization bill with the hate crimes provisions attached simply because the balance of the bill is good and worthy of support. Well, I worry that if we go along with this now, what will they add to so-called "must pass" bills in the future? I believe that when it comes to funding our troops, we should do our best to speak in a unified voice. By taking this path, it seems that the majority would rather make a political statement than offer the military our bipartisan support. For that, I am greatly disappointed.

OBJECTION TO S. 1782

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1782, the Federal Judiciary Administrative Improvements Act of 2009. This legislation will increase the Federal outlays for the judicial branch and does not have an offset to the spending increases.

In particular, I object to two provisions in S. 1782. First, this legislation will increase Federal expenditures by allowing senior executives in the Federal courts, the Federal Judicial Center, and the Sentencing Commission to carry over more annual leave days from 1 year to another. The bill would change the current allowance, 240 hours—30 days—to 720 hours—90 days. This provision is a limited benefit to a number of senior executives and will cost Federal taxpayers millions of dollars.

Second, the legislation includes a provision increasing the salaries of the four division directors at the Federal Judicial Center. This provision would increase the salary from Executive Schedule V—\$139,600—to Executive Schedule IV—\$149,000. While this is only a slight increase to the spending outlays, it is the wrong message to send the American taxpayers when nearly 10 percent of the workforce is unemployed.

Americans across the country are tightening their belts and finding ways to save money. Social Security beneficiaries are fighting to stretch their dollars because they will not see a cost-of-living increase for 2010 for the first time in nearly three decades. To

expand benefits in the judicial branch for a chosen group of senior executives is the wrong thing to do when everyone is making sacrifices and millions of Americans are looking for work.

If the Senate majority insists on offering S. 1782 for consideration notwithstanding my objection, at the very least, I will insist on offering S. 657, the Sunshine in the Courtroom Act as an amendment and request a rollcall vote. Unless this amendment is afforded a vote, I will continue to object to any unanimous consent agreement regarding S. 1782. In this time of financial uncertainty, we should not be providing senior executives in the judiciary increased benefits absent legislation that will bring some sunshine to the courts by allowing media coverage of court proceedings.

ADDITIONAL STATEMENTS

TRIBUTE TO NORTH CAROLINA WWII VETERANS

• Mrs. HAGAN. Mr. President, I am proud to recognize a group of 102 World War II veterans from the Triad region of North Carolina who are traveling to Washington, DC, on October 28 to visit the memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

The Triad Flight of Honor sponsored this trip to the Nation's Capital for surviving World War II veterans in the Triad area. Our veterans will visit the World War II, Korean, Vietnam, and Iwo Jima Memorials.

This will be the second Triad Flight of Honor trip. The organization flew their inaugural group of veterans to Washington, DC, on October 3, 2009. I had the honor of visiting with that group of veterans when they returned to Greensboro, NC. I was joined by my father-in-law, MG (Ret) Charles T. Hagan, Jr., U.S. Marine Corps Reserve, a World War II veteran, just before he died. Two more Triad flights for the spring of 2010 have already been scheduled, and hundreds of veterans in the area are hoping to participate.

World War II was the defining period for a generation that bravely answered the call to serve our country. Young men and women, driven to protect America, enlisted in droves. Unfortunately, too many of those brave servicemembers met an untimely death on the battlefields of Europe and the South Pacific. More than 400,000 American servicemembers were slain during the course of the long war, and over 60 million people worldwide were killed, including 40 million civilians. The Allied Forces' ultimate victory is a testament to the brave soldiers, sailors, airmen, and marines who put their lives on the line to fight for liberty and freedom.

This week, 102 Triad veterans will see the memorials dedicated to their service. I thank the Triad Flight of Honor for making these trips a reality.

I ask the Senate to join me in honoring these brave veterans who are true North Carolina heroes.●

TRIBUTE TO DR. JAMES MICHAEL SMITH

● Mr. JOHNSON. Mr. President, today I recognize Dr. James Michael Smith on his inauguration as the 16th President of Northern State University in Aberdeen, SD. Dr. Smith comes to Northern State from Bowling Green State University where he had served as vice president for economic development. He is a veteran organizational leader, with experience leading educational institutions at both the K-12 and postsecondary levels. Prior to joining the senior administrative team at BGSU, Dr. Smith was dean of the School of Education at Indiana University South Bend. Dr. Smith also served in administrative capacities at West Texas A&M and Butler University. He will begin his tenure with the knowledge that Northern State University has been named for the third year in a row to the U.S. News and World Report's Top Public Undergraduate Institutions in the Midwest. Dr. Smith has said NSU is "excited to once again be named to this prestigious list, and will continue to build momentum at Northern State by focusing on new programs, expanded technology and increased graduate offerings." Everyone in the region is excited to help him join in these goals.

At the investiture of Dr. Smith, history will literally be at his fingertips. The pen used in this ceremony will be the same one used to swear in the 15 Northern presidents before him. It was used to sign the bill that created the Northern Normal and Industrial School in 1901 and it went up in the space shuttle Discovery in 1991.

I would like to offer Dr. James Smith the very best as he begins his tenure with one of South Dakota's finest institutions of higher learning.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to

continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2009.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, October 27, 2009.

MESSAGE FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1471. An act to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes.

H.R. 1641. An act to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail.

H.R. 2806. An act to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 6:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1209. An act to require the Secretary of the Treasury to mint coins in recognition of the celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1641. An act to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Energy and Natural Resources.

H.R. 2806. An act to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1927. A bill to establish a moratorium on credit card interest rate increases, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Gladys Commons, of Virginia, to be an Assistant Secretary of the Navy.

*Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

Air Force nomination of Lt. Gen. Mark A. Welsh III, to be General.

Army nomination of Colonel Kelly J. Thomas, to be Brigadier General.

Army nomination of Col. David L. Weeks, to be Brigadier General.

Army nomination of Lt. Gen. William B. Caldwell IV, to be Lieutenant General.

Army nomination of Maj. Gen. Keith M. Huber, to be Lieutenant General.

Army nominations beginning with Brigadier General Joseph J. Anderson and ending with Brigadier General Perry L. Wiggins, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009, (minus 1 nominee: Brigadier General Robert M. Brown)

Navy nomination of Vice Adm. David J. Dorsett, to be Vice Admiral.

Navy nomination of Vice Adm. Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Vice Adm. Harry B. Harris, Jr., to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Robert B. O. Allen and ending with Ted K. Winright, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Air Force nomination of Christopher J. Ogrady, to be Lieutenant Colonel.

Air Force nomination of Michael R. Spencer, to be Lieutenant Colonel.

Air Force nominations beginning with Scott A. Paffenroth and ending with Robert

M. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Air Force nominations beginning with Misael C. Alonso and ending with Derrick B. Willsey, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Air Force nominations beginning with Dana J. Albalade and ending with Luz E. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Army nomination of Charles T. Kirchmaier, to be Lieutenant Colonel.

Army nomination of Bruce P. Crandall, to be Colonel.

Army nominations beginning with Kenneth E. Duvall and ending with Randall M. Zeegers, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Army nominations beginning with Jennifer E. Choate and ending with Rodney E. Rudolph, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Army nominations beginning with Lear E. Dutton and ending with Marcus C. White, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 2009.

Army nominations beginning with Daniel T. Ames and ending with Thomas B. Wheatley, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 2009.

Army nominations beginning with Kenneth E. Lawson and ending with Kristina D. Moeller, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Army nominations beginning with Lawrence C. Dennis and ending with John H. Tatum, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Army nominations beginning with Barry R. Baron and ending with Istvan Szasz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Marine Corps nomination of Bradley L. Lowe, to be Colonel.

Navy nomination of Daniel A. Freilich, to be Captain.

Navy nominations beginning with Robert R. Liu and ending with Natasha L. Flemens, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Irwin Elstein and ending with Douglas A. Tomlinson, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Russell P. Bates and ending with Timothy G. Nasello, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Oscar D. Antillon and ending with Matthew T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Doyle S. Adams and ending with Eugene Wozniak, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Ryan M. Anderson and ending with Brent E. Trojan, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Ruben A. Alcocer and ending with Michael P.

Yunker, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Anacleto B. Ancheta, Jr. and ending with Lawrence S. Zoback, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Osmel Alfonso and ending with Marjorie A. Wytzka, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with William M. Anderson and ending with Jeffrey R. Wessel, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Paul J. Alea and ending with Geoffrey W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nomination of Raul L. Barrientos, to be Lieutenant Commander.

Navy nominations beginning with Ricardo B. Eusebio and ending with David L. Wilkey, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

Erroll G. Souther, of California, to be an Assistant Secretary of Homeland Security.

Paul K. Martin, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

*Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration.

*Cynthia L. Quarterman, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

*Elizabeth M. Robinson, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

*Patrick Gallagher, of Maryland, to be Director of the National Institute of Standards and Technology.

*Coast Guard nomination of Capt. John S. Welch, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Captain Daniel B. Abel and ending with Captain Christopher J. Tomney, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Thomas J. Riley, to be Lieutenant.

Coast Guard nomination of Shadrack L. Scheirman, to be Lieutenant.

Coast Guard nomination of Chad R. Harvey, to be Lieutenant.

Coast Guard nomination of Michele L. Schallip, to be Lieutenant.

Coast Guard nominations beginning with Edgars Auzenbergs and ending with Michael F. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Coast Guard nominations beginning with Melinda D. McGurer and ending with Royce

W. James, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Coast Guard nominations beginning with Nicholas A. Bartolotta and ending with Jerold L. Woloszynski, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Coast Guard nominations beginning with Ladonn A. Allen and ending with James A. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 2009.

Coast Guard nominations beginning with Jennifer L. Adams and ending with Bradford W. Youngkin, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. AKAKA:

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; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself and Mr. BENNET):

S. 1932. A bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. WHITEHOUSE, and Mr. UDALL of New Mexico):

S. 1933. A bill to establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. KERRY, and Mrs. SHAHEEN):

S. 1934. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax on income from assets held abroad, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY:

S. 1935. A bill to extend the temporary suspension of duty on certain boots constructed by hand of natural rubber; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 1936. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. BROWNBACK:

S. 1937. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback

of operating losses, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. THUNE, and Ms. KLOBUCHAR):

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND (for herself, Mr. SPECTER, Mr. SCHUMER, Mr. TESTER, and Ms. LANDRIEU):

S. 1939. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND:

S. 1940. A bill to require the Secretary of Veterans Affairs to carry out a study on the effects on children of exposure of their parents to herbicides used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURRIS (for himself, Mr. KERRY, and Mr. KIRK):

S. Res. 323. A resolution honoring Edward W. Brooke, III, former United States Senator for the Commonwealth of Massachusetts, on the occasion of his 90th birthday; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. Res. 324. A resolution designating November 1, 2009, as "National Hemangioma Treatment Awareness Day"; considered and agreed to.

By Mr. REID (for himself, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. BENNETT, and Mr. MENENDEZ):

S. Res. 325. A resolution designating October 25 through October 31, 2009, as "National Hispanic Media Week" in honor of the Latino Media of America; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 543

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 543, a bill to require a pilot program on training, certifi-

cation, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the names of the Senator from Utah (Mr. BENNETT), the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 1002

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1002, a bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of

S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1410

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 1410, a bill to establish expanded learning time initiatives, and for other purposes.

S. 1411

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 1411, a bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1423

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1423, a bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1442

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1442, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

S. 1518

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1576

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1576, a bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1610

At the request of Ms. CANTWELL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1619

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities,

to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1780

At the request of Mrs. LINCOLN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1780, a bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1821

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1821, a bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.

S. 1825

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1825, a bill to extend the authority for relocation expenses test programs for Federal employees, and for other purposes.

S. 1832

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Wisconsin

(Mr. FEINGOLD) 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. RES. 312

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 317

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 317, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

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; to the Committee on Foreign Relations.

Mr. AKAKA. Mr. President, I rise today to introduce the Strengthening the Oversight of Nuclear Nonproliferation Act of 2009. This legislation will enhance the ability of Congress to oversee nuclear nonproliferation shortcomings that were identified in the Commission on the Prevention of Weapons of Mass Destruction, WMD, Proliferation and Terrorism's Commission December 2008 report.

Just last month, President Obama chaired a session of the United Nations Security Council, where the Security Council unanimously cosponsored and adopted Resolution 1887, which seeks to "create the conditions for a world

without nuclear weapons . . . in a way that promotes international stability.” Among other actions, the Security Council called on Nations to minimize the use of highly enriched uranium, strengthen export controls on sensitive nuclear technologies, improve nuclear security practices and standards, strengthen efforts to counter the threat of nuclear terrorism, and support the International Atomic Energy Agency’s, IAEA, ability to verify the uses of nuclear materials and facilities.

The proliferation of WMD is among the greatest threats facing national and international security. We need to commit ourselves to strengthening our nuclear nonproliferation efforts and to take the actions supported by the United Nations Security Council and the Commission.

The bill I am introducing today would require an annual report by the President’s Coordinator for WMD Proliferation and Terrorism to address the Commission’s findings regarding United States nuclear nonproliferation efforts. The report will provide an assessment of IAEA capabilities to detect possible military diversions of nuclear materials; will address actions taken to upgrade the physical security of civilian nuclear facilities in the United States; will identify the measures taken to minimize the use of weapons usable highly enriched uranium; will document the steps taken to implement the Energy Development Program under the Nuclear Non-Proliferation Act of 1978; will compare the security standards at civilian nuclear facilities to those at military facilities; and will detail what the U.S. is spending to promote civilian nuclear energy abroad.

The challenges of nuclear proliferation are global in nature and require sustained international collaboration. This bill would further our international efforts by requiring an additional report on the progress of United States Government cooperative efforts with the Director General of IAEA to examine how IAEA could better meet its nuclear safeguard goals; promote the transparency of foreign visitors to safeguarded sites; acquire and implement near-real-time surveillance at sensitive sites; use fees to fund inspections; and require advance notice and analysis of transfers of dual-use nuclear technologies.

I have long been a proponent of improving our nonproliferation efforts. Last month, I introduced the Energy Development Program Implementation Act, S. 1675, to support non-nuclear, alternative energy development in developing countries. In addition to this, I called for the Government Accountability Office to examine proliferation risks in IAEA’s Technical Cooperation Program and chaired numerous hearings on improving our Nation’s nonproliferation capabilities. We should remember that nuclear technology that can be used for peaceful uses may in some cases be used to support dangerous, clandestine programs.

I believe that promoting greater international cooperation toward nonproliferation is crucial. This bill would make the U.S. an even stronger partner in these efforts and enhance the ability of Congress to help tackle the dangers of nuclear proliferation.

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. 1931

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Oversight of Nuclear Nonproliferation Act of 2009”.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Energy and Commerce of the House of Representatives.

(2) COMMISSION.—The term “Commission” means the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established by section 1851 of the Implementing Recommendation of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 501).

(3) COORDINATOR.—The term “Coordinator” means the President’s Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established by section 1841(b)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(1)).

(4) DEPUTY COORDINATOR.—The term “Deputy Coordinator” means the Deputy United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under section 1841(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(2)).

(5) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium that contains at least 20 percent of the uranium isotope 235.

(6) IAEA.—The term “IAEA” means the International Atomic Energy Agency.

(7) SPECIAL NUCLEAR MATERIAL.—The term “special nuclear material” has the meaning given the term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 3. REPORT ON UNITED STATES NUCLEAR NONPROLIFERATION EFFORTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Coordinator shall submit to the appropriate congressional committees an unclassified report, with classified annexes as necessary, on the findings and recommendations of the Commission described in subsection (b).

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the financial incentives the United States Government used during the previous year to promote civilian nu-

clear energy abroad, including the types, amounts, and recipients of such financial incentives.

(2) A description of the actions the United States Government has taken for improving the secure civilian storage of, and minimizing the use and export of, weapons usable highly enriched uranium during the previous year, and the amount the United States Government spends annually to fuel United States civilian reactors that use highly enriched uranium.

(3) A description of the actions that have been taken by the United States Government to implement title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.) during the previous year and any obstacles pertaining to its implementation with recommended actions.

(4)(A) A description of the steps the United States Government has taken during the previous year to upgrade the physical security of civilian nuclear facilities in the United States that store or handle special nuclear material.

(B) A comparison of the current physical security standards used at civilian nuclear facilities in the United States that store or handle special nuclear material to those standards used by the United States Armed Forces to secure such materials.

(5) A United States Government assessment of the capabilities of the IAEA, completed in consultation with all relevant United States Government agencies, including the Office of the Director of National Intelligence, including—

(A) the ability of IAEA to meet its own timely detection inspection goals;

(B) the ability of IAEA to afford timely detection of possible military diversions and whether or not the IAEA has met its own timely detection inspection goals; and

(C) recommendations for whether and how the IAEA should update its definitions of how much special nuclear material is needed to create a nuclear bomb and how long it takes to convert such special nuclear material into nuclear bombs.

(c) ABSENCE OF THE COORDINATOR AND THE DEPUTY COORDINATOR.—The President shall submit the report required under this section if neither the Coordinator nor the Deputy Coordinator have been appointed pursuant to section 1841(b)(3) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).

SEC. 4. REPORT ON UNITED STATES WORK WITH IAEA ON NUCLEAR NONPROLIFERATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Coordinator shall submit to the appropriate congressional committees an unclassified report, with classified annexes as necessary, on the findings and recommendations of the Commission under subsection (b).

(b) CONTENT.—The report required under subsection (a) shall include details about the progress of the work of the United States Government with the IAEA Director General to—

(1) establish a safeguards user fee, whereby countries with inspected facilities would be assessed a fee to help cover the costs of IAEA inspections;

(2) assess whether the IAEA can meet its own inspection goals, whether those goals afford timely detection to account for a bomb’s worth of special nuclear material, whether there are situations in which achieving those goals is not possible, and what corrective actions, if any, might help the IAEA to achieve its inspection goals;

(3) promote transparency at suspect sites and to encourage IAEA member states to maintain a registry, made available to other

IAEA members upon request, of all foreign visitors at safeguarded sites;

(4) provide for the acquisition and implementation of near-real-time surveillance equipment in the use of safeguards, including at sites where nuclear fuel rods are located; and

(5) require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA in advance and develop a system to process and analyze the information.

(C) ABSENCE OF THE COORDINATOR AND THE DEPUTY COORDINATOR.—The President shall submit the report required under this section if neither the Coordinator nor the Deputy Coordinator have been appointed pursuant to section 1841(b)(3) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the reporting requirements under sections 3 and 4 for fiscal year 2010 and each subsequent year thereafter.

By Mr. MCCAIN (for himself and Mr. BENNET):

S. 1932. A bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, today I am pleased to be joined by Senator MICHAEL BENNET in introducing the Post-9/11 Troops to Teachers Enhancement Act. This legislation would allow more veterans and school districts to participate in the Troops to Teachers program. In addition to expanding the program, the proposed bill would create an advisory board that would be charged with improving awareness and participation of the program, ensuring that the program meets the needs of our schools and veterans. I hope that my colleagues in the Senate will also support this important piece of legislation.

In 1994, Congress authorized the Department of Defense, DOD, to oversee a new national program, Troops to Teachers, which was designed as a Transition assistance program for retiring or separating members of the military to obtain their teaching credentials and place these teachers in schools throughout the country. The program was reauthorized by Congress in 1999. That reauthorization transferred responsibility for oversight and funding from the DOD to the Department of Education and authorized \$10,000 bonuses to participants who agreed to teach in “high-need” schools. Troops to Teachers was later incorporated and reauthorized under the No Child Left Behind Act of 2001. Since its inception, over 11,000 teachers have been hired by school districts across the Nation, of which many are non-traditional first-time teachers.

Teaching is among the most honorable professions in our society. I believe we should encourage military vet-

erans to enter the teaching profession and that this bipartisan bill would further enhance the Troops-to-Teachers program. Simply put, the proposed legislation would reduce the years of military service requirements from 6 to 4, extend the eligibility to all schools that receive Title I funds, and create an advisory board that would coordinate and make recommendations to Congress in regards to the program.

Current eligibility guidelines for the Troops to Teachers require that members of the military have 6 years of service and that members of the guard and reserve have 10 years of service with a commitment to serve an additional 3 years. The requirement of 6 years active duty is leaving many single enlistment contract 4 year veterans and/or Guard members out of consideration. Lowering the required years of service would expand eligibility and create a larger pool of potential teachers for this program.

Under the current Troops to Teachers program, participants who agree to teach for 3 years in a “high need” schools are eligible to receive a \$5000 stipend to offset the cost of teacher certification. The proposed legislation would extend the eligibility for the stipend to any eligible teacher who agrees to teach 3 years in a school that is in a district receiving Title I funds. The proposed bill would retain the optional bonus of \$10,000 which is available to individuals who take jobs in low-income schools. This legislation would result in a 49 percent in the number of eligible schools for the program. For my home State of Arizona, over 600 additional schools would become eligible to participate in the program.

A recent GAO Report revealed that although Troops to Teachers is a successful program, it suffers from a lack of coordination and oversight. To remedy this concern, the proposed legislation would create an advisory board that consists of a representative from the Department of Defense, the Department of Education, and representatives from state offices and veteran's service organizations to make recommendations on ways to improve and expand the program.

Our veterans make excellent candidates to impart the virtues of serving to a cause to the next generation and instill the value of learning as a means to self-improvement and much nobler ends. Their unique experiences bring a more diverse teaching environment to our children and grandchildren.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. WHITEHOUSE, and Mr. UDALL of New Mexico):

S. 1933. A bill to establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, today I am introducing the Natural Re-

sources Climate Adaptation Act. I am pleased that Senators WHITEHOUSE, BAUCUS, and TOM UDALL have joined me as original cosponsors.

The science is clear that climate change is happening and numerous scientific reports as well as the everyday experience of many Americans demonstrate that the impacts have already begun to affect ecosystems across the country. This bill recognizes that quick action is needed to insure the long-term viability of ecosystems on which our communities as well as our fish and wildlife depend. It will support and enable Federal and State agencies and other interested parties to address the negative impacts of climate change on our natural resources in the most effective possible ways.

We know that healthy, functioning ecosystems are vital to human health, economic viability, and fish and wildlife populations. I believe that we are at a critical juncture in protecting our valuable natural resources. In solving the climate change problem we must ensure the well-being of our natural world if we are to have a thriving economy and a healthy environment. This is the reason I am introducing this bill.

This is not a problem that is hypothetical. Climate change impacts are irrevocably affecting our natural world and the health of our communities today, and these impacts will increase. We must act now.

We often forget that healthy ecosystems are essential to human as well as wildlife needs. They are necessary to provide us, for example, with a clean and abundant drinking water supply, clean air to breathe, and a well-functioning economy in addition to habitat for a diversity of fish, wildlife, and plant species. Not to mention a place to take our children fishing, and to enjoy the personal inspiration of the natural world.

My home State of New Mexico is a dry State and the challenges associated with climate change are already impacting our land and our water supplies. There are already many competing demands for our limited water resources which will only be heightened by the effects of climate change. Existing threats to our public lands such as wildfires and deforestation may become more prevalent. New Mexico's Bandelier National Park has recently been identified as one of the “25 National Parks in Peril” due to climate change related impacts and other treasures within our State may also be in jeopardy of degradation if actions are not taken to protect them.

Our landowners, ranchers, water managers, and State officials are working to evaluate and mitigate the current and expected impacts of a warming climate on our State's natural resources and water supply. For instance, in 2005 the New Mexico Climate Change Council and Advisory Group prepared a report summarizing the potential impacts of climate change in New Mexico

and the State Engineer's office prepared an additional report on the impacts of climate change on the water supply and water management strategies. These reports are being used to guide State officials in addressing these issues. In addition, New Mexico has joined other western States to form the Western Regional Climate Initiative to coordinate efforts at reducing greenhouse gases.

The legislation introduced today seeks to complement existing natural resources-related programs in New Mexico and other States across the country. This legislation supports and facilitates the development and dissemination of scientific research on climate change between Federal agencies, States, Indian tribes and interested stakeholders. This ongoing research will in turn play a significant role in guiding these entities in the management of our natural resources.

This bill also establishes several forums to encourage effective coordination and communication in creating a Federal strategy and subsequent Federal and State adaptation plans that will help natural resources adjust to a changing climate. Finally, the Act provides additional funding for existing Federal and State wildlife conservation programs to be used exclusively for adaptation-related activities.

The Natural Resources Climate Adaptation Act follows on the good work of several of my colleagues in both the House and the Senate. Chairman RAHALL and Subcommittee Chairman GRIJALVA have developed legislation in this area, and their own adaptation bill, H.R. 2192, was incorporated into the broader cap-and-trade legislation that passed the House of Representatives earlier this year.

Senators KERRY and BOXER have adopted provisions similar to this bill in their climate legislation at the request of two leaders on the Environment and Public Works Committee: Senators BAUCUS and WHITEHOUSE. The legislation I am introducing today is complementary to the work that has already been done. My cosponsors and I share the same goal of making sure natural resources adaptation is included in any climate change legislation that comes before the Senate.

Many Americans already recognize the critical need for this legislation. A coalition of over 600 diverse groups has written to Congress describing the current and potential negative impacts of climate change on our natural resources and urging us to include language in any climate bill to address those impacts. By way of example, the groups in this coalition include environmental organizations, local Rod & Gun Clubs, fisheries coalitions, scientific research groups, and religious groups.

If we fail to act to address the impacts of climate change on our American landscape, the negative effects will be felt by all of us. I am committed to working through this legisla-

tion and other means to ensure that we do what is necessary to protect our precious natural resources from one of the greatest challenges ever faced.

I would like to thank Senators BAUCUS, WHITEHOUSE, and TOM UDALL for their leadership on this issue and their cosponsorship of this bill. I look forward to working with them and our colleagues to pass legislation to carry out this important purpose.

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. 1933

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resources Climate Adaptation Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to integrate Federal agency activities to respond to ongoing and expected impacts of climate change (including, if applicable, ocean acidification, drought, invasive species, flooding, and wildfire) by protecting, restoring, and conserving the natural resources and associated ecosystem services of the United States; and

(2) to provide financial support and incentives for authorized programs, strategies, and activities to protect, restore, and conserve natural resources and associated ecosystem services in response to threats and effects of climate change.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the Natural Resources Adaptation Science Advisory Board established by section 4(e)(1).

(2) COASTAL STATE.—The term "coastal State" has the meaning given the term "coastal state" in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) CORRIDORS.—The term "corridors" means areas that—

(A) provide connectivity, over different time scales, of habitats or potential habitats; and

(B) facilitate terrestrial, marine, estuarine, and freshwater fish, wildlife, or plant movement necessary for migration, gene flow, or dispersal, to respond to the ongoing and expected impacts of climate change.

(4) ECOSYSTEM SERVICES.—

(A) IN GENERAL.—The term "ecosystem services" means the provision, by a healthy ecosystem, of natural resources to improve human health and livelihood.

(B) INCLUSIONS.—The term "ecosystem services" includes—

- (i) a clean and abundant water supply;
- (ii) carbon storage;
- (iii) biodiversity;
- (iv) pollination services;
- (v) wildlife habitat;
- (vi) recreation; and
- (vii) a scenic or historic landscape.

(5) HABITAT.—The term "habitat" means the physical, chemical, and biological properties that fish, wildlife, or plants use for growth, reproduction, survival, food, water, or cover.

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) NATURAL RESOURCES.—The term "natural resources" means land, wildlife, fish,

air, water, estuaries, plants, habitats, and ecosystems.

(8) NATURAL RESOURCES ADAPTATION.—The term "natural resources adaptation" means the protection, restoration, and conservation of natural resources so that natural resources become more resilient, adapt to, and withstand the ongoing and expected impacts of climate change.

(9) PANEL.—The term "Panel" means the Natural Resources Climate Change Adaptation Panel established under section 5(a).

(10) PLAN.—The term "plan" means a natural resources adaptation plan completed under section 7(a)(1).

(11) PROGRAM.—The term "program" means the National Fish and Wildlife Habitat and Corridors Information Program established by the Secretary under section 4(d)(1).

(12) RESILIENCE; RESILIENT.—The terms "resilience" and "resilient" mean—

(A) the ability to resist or recover from disturbance; and

(B) the ability to preserve diversity, productivity, and sustainability.

(13) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(14) STATE.—The term "State" means—

- (A) a State of the United States;
- (B) the District of Columbia;
- (C) American Samoa;
- (D) Guam;
- (E) the Commonwealth of the Northern Mariana Islands;
- (F) the Commonwealth of Puerto Rico; and
- (G) the United States Virgin Islands.

(15) STATE PLAN.—The term "State plan" means a State natural resources adaptation plan prepared by a State under section 8(a).

(16) STRATEGY.—The term "Strategy" means the Natural Resources Climate Change Adaptation Strategy developed under section 6(a).

SEC. 4. NATURAL RESOURCES ADAPTATION SCIENCE AND INFORMATION.

(a) COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Commerce (acting through the National Oceanic and Atmospheric Administration) (referred to in this section as the "Secretaries"), working with all other relevant Federal agencies, shall establish procedures for coordinating among Federal agencies the development and dissemination of science and information necessary to address the ongoing and expected impacts of climate change on natural resources.

(b) DEVELOPMENT AND DISSEMINATION OF SCIENCE.—The Secretaries shall—

(1) conduct and sponsor research, and facilitate the coordination of research among Federal agencies, to develop scientific strategies and mechanisms for natural resources adaptation;

(2) make available to Federal agencies, and other interested governmental or private entities, technical assistance to address the ongoing and expected impacts of climate change on natural resources; and

(3) assist Federal agencies in the development of natural resources adaptation plans required by section 7.

(c) SURVEY.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Secretaries and the Secretary of Agriculture shall issue a climate change impact survey, in coordination with other relevant Federal agencies, that—

(1) identifies natural resources considered likely to be adversely affected by climate change;

(2) includes baseline monitoring and ongoing trend analysis; and

(3) in consultation with States and Indian tribes and with input from stakeholders,

identifies and prioritizes necessary monitoring and research that is most relevant to the needs of Federal natural resource managers to address the ongoing and expected impacts of climate change and natural resources adaptation.

(d) **WILDLIFE HABITAT AND CORRIDORS INFORMATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in cooperation with the States, Indian tribes, and other Federal land managers, shall establish a program to be known as the “National Fish and Wildlife Habitat and Corridors Information Program”.

(2) **PURPOSES.**—The purposes of the program are—

(A) to develop with States and Indian tribes a comprehensive national geographic information system database of maps, models, data, surveys, informational products, and other geospatial information regarding fish and wildlife habitat and corridors that—

(i) is based on consistent protocols;

(ii) takes into account regional differences; and

(iii) uses available geographical information system databases and other tools, including the National Biological Information Infrastructure maintained by the Secretary and nongovernmental organizations; and

(B) to facilitate the use of the database described in subparagraph (A) by Federal, State, local, and tribal decisionmakers to incorporate qualitative information on fish and wildlife habitats and corridors at the earliest practicable stage for use in—

(i) prioritizing and targeting natural resources adaptation strategies and activities, including strategies and activities that enhance the ability of species to respond to shifting habitat; and

(ii) avoiding, minimizing, and mitigating the impacts on fish and wildlife habitat and corridors when locating energy development, water, transmission, transportation, and other land use projects;

(3) **FINANCIAL AND OTHER SUPPORT.**—The Secretary may provide support to the States and Indian tribes, including financial and technical assistance, for activities that support the development and implementation of the program.

(4) **CONSULTATION.**—In consultation with States and Indian tribes, the Secretary shall make recommendations on the manner by which the information collected and managed under the program may be incorporated into relevant Federal and State plans that affect fish and wildlife, including—

(A) land management plans;

(B) State comprehensive wildlife conservation strategies; and

(C) applicable conservation plans of Indian tribes.

(e) **NATURAL RESOURCES ADAPTATION SCIENCE ADVISORY BOARD.**—

(1) **ESTABLISHMENT.**—The Secretaries and the Secretary of Agriculture shall—

(A) not later than 180 days after the date of enactment of this Act, establish and appoint the members of a Natural Resources Adaptation Science Advisory Board; and

(B) on an ongoing basis, coordinate the activities of the Board.

(2) **MEMBERSHIP.**—The Board shall be composed of not fewer than 10 and not more than 20 members—

(A) who have expertise in fish, wildlife, plant, aquatic, coastal and marine biology, ecology, hydrology, climate change effects, or other relevant scientific disciplines;

(B) who represent a balanced membership among Federal, State, tribal, and local representatives, and diverse interests, including institutions of higher education and relevant nongovernmental organizations and conservation organizations; and

(C) at least ½ of whom are recommended by the President of the National Academy of Sciences.

(3) **DUTIES.**—The Board shall—

(A) advise all relevant Federal agencies on the state of the science regarding—

(i) the ongoing and expected impacts of climate change; and

(ii) scientific strategies and mechanisms for natural resources adaptation; and

(B) identify and recommend priorities for ongoing research needs on the issues described in subparagraph (A).

(4) **AVAILABILITY TO THE PUBLIC.**—The advice and recommendations of the Board shall be made available to the public.

(f) **NATIONAL CLIMATE CHANGE AND WILDLIFE SCIENCE CENTER.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish the National Climate Change and Wildlife Center within the United States Geological Survey.

(2) **FUNCTIONS.**—In collaboration with Federal and State natural resources agencies and departments, Indian tribes, institutions of higher education, and other partner organizations, the Center shall—

(A) assess and synthesize current physical and biological knowledge relating to the impacts of climate change on fish, wildlife, plants, and associated habitat;

(B) prioritize scientific gaps in the knowledge in order to forecast the ecological impacts of climate change on fish, wildlife, and plants at the ecosystem, habitat, community, population, and species levels;

(C) develop and improve tools to forecast, adaptively manage, and monitor the impacts of climate change on fish, wildlife, plants, and associated habitats, including predictive models, and risk assessments; and

(D) develop capacities for synthesizing data and for sharing standardized data and methodology.

SEC. 5. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION PANEL.

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Natural Resources Climate Change Adaptation Panel.

(b) **DUTIES.**—The Panel shall—

(1) develop the Strategy; and

(2) serve as a forum for interagency consultation on the implementation of the Strategy.

(c) **MEMBERSHIP.**—The Panel shall be composed of—

(1) the Administrator of the National Oceanic and Atmospheric Administration;

(2) the Chief of the Forest Service;

(3) the Director of the National Park Service;

(4) the Director of the United States Fish and Wildlife Service;

(5) the Director of the Bureau of Land Management;

(6) the Director of the United States Geological Survey;

(7) the Commissioner of Reclamation;

(8) the Director of the Bureau of Indian Affairs;

(9) the Director of the Minerals Management Service;

(10) the Administrator of the Environmental Protection Agency;

(11) the Administrator of the Federal Emergency Management Agency;

(12) the Chief of Engineers; and

(13) the heads of other Federal agencies, as determined by the President.

(d) **CHAIRPERSON.**—The Chair of the Council on Environmental Quality shall serve as the Chairperson of the Panel.

SEC. 6. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION STRATEGY.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act,

the Panel shall develop a Natural Resources Climate Change Adaptation Strategy.

(b) **DEVELOPMENT.**—In developing and revising the Strategy, the Panel shall—

(1) base the strategy on the best available science;

(2) develop the strategy in close cooperation with States and Indian tribes;

(3) coordinate with other Federal agencies, as appropriate;

(4) consult with local governments, conservation organizations, scientists, private sector interests, and other interested stakeholders; and

(5) provide public notice and opportunity for comment.

(c) **CONTENTS.**—The Strategy shall—

(1) assess the vulnerability of regions and types of natural resources to climate change, including short-term, medium-term, long-term, and cumulative impacts;

(2) describe current research and monitoring activities at the Federal, State, tribal, and local level related to—

(A) the ongoing and expected impacts of climate change on natural resources; and

(B) scientific strategies and mechanisms for natural resources adaptation;

(3) identify and prioritize research and data needs; and

(4) provide direction to Federal agencies, and make guidance available to States, Indian tribes, local governments, and other interested parties for use in responding to the impacts of climate change, including—

(A) actions that Federal agencies should implement through their natural resources adaptation plans and recommendations for actions that States, Indian tribes, local governments, and other interested parties may implement to promote natural resources adaptation; and

(B) a timeline for implementation of the Strategy; and

(5) describe specific mechanisms for ensuring communication and coordination—

(A) among Federal agencies; and

(B) between Federal agencies and State natural resource agencies, Indian tribes, interested private landowners, conservation organizations, and other countries that share jurisdiction over natural resources with the United States.

(d) **REVISION.**—After the Panel adopts the initial Strategy, the Panel shall review and revise the Strategy every 5 years to incorporate—

(1) new information regarding the ongoing and expected impacts of climate change on natural resources; and

(2) new advances in the development of strategies and mechanisms for natural resources adaptation.

SEC. 7. FEDERAL AGENCY NATURAL RESOURCES ADAPTATION PLANS.

(a) **DEVELOPMENT.**—Not later than 1 year after the date of development of the Strategy, each Federal agency with representation on the Panel shall—

(1) complete a natural resources adaptation plan for that Federal agency;

(2) provide opportunities for public review and comment on the plan;

(3) coordinate with the plan of each other Federal agency with representation on the Panel; and

(4) submit the plan to the President for review and submission to Congress.

(b) **REQUIREMENTS.**—Each plan shall—

(1) implement the Strategy;

(2) include a timeline for implementation of the plan;

(3) describe and prioritize proposed natural resources adaptation actions for natural resources managed or impacted by activities authorized by the Federal agency;

(4) describe how the Federal agency will modify or establish other plans, programs,

activities, or actions in accordance with applicable authority, if necessary, to implement the plan;

(5) provide for the inclusion of climate change and impact data in natural resources management decisions;

(6) establish monitoring protocols—

(A) to assess the effectiveness of the natural resources adaptation actions taken by the Federal agency pursuant to the plan; and

(B) to update those actions to respond to monitoring results, other new information, and changing conditions;

(7) establish a process for providing written guidance to Federal natural resource managers for implementing the natural resources adaptation actions identified in the plan;

(8) identify and assess gaps in data and information useful in developing the plan; and

(9) establish protocols to collect, integrate, and share standardized climate change and impact data with Federal, State, tribal, and nongovernmental organizations, private landowner partners, and the general public.

(c) **PRESIDENTIAL REVIEW AND SUBMISSION TO CONGRESS.**—

(1) **REVIEW.**—Not later than 30 days after the date of submission of a plan to the President, the President shall—

(A) review the plan for consistency with the requirements of this Act; and

(B) if consistent, submit the plan to Congress in accordance with this subsection, together with a statement confirming the consistency of the plan with this Act.

(2) **INCONSISTENCY.**—If the President finds a plan of a Federal agency to be inconsistent with this Act, the President shall direct the agency to submit a revised plan not later than 60 days after the finding.

(3) **SUBMISSION TO CONGRESS.**—The President shall submit plans determined to be consistent with this Act to—

(A) the Committee on Natural Resources of the House of Representatives;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate; and

(D) any other committees of the House of Representatives or the Senate with principal jurisdiction over the Federal agency.

(d) **IMPLEMENTATION.**—On submission by the President to Congress, each Federal agency shall, pursuant to and consistent with applicable authority, implement the plan.

(e) **REVISION AND REVIEW.**—Not less than every 5 years, each Federal agency with representation on the Panel shall review and revise the plan of the Federal agency to incorporate the best available science regarding—

(1) the ongoing and expected impacts of climate change on natural resources; and

(2) the scientific strategies and mechanisms for natural resources adaptation.

SEC. 8. STATE NATURAL RESOURCES ADAPTATION PLANS.

(a) **REQUIREMENT.**—In order to be eligible for funds under section 9, not later than 1 year after the development of the Strategy, each State shall prepare a State natural resources adaptation plan to address the ongoing and expected impacts of climate change on natural resources within the State.

(b) **CONTENTS.**—A State plan shall—

(1) include actions for addressing the ongoing and expected impacts of climate change on natural resources that—

(A) describe and prioritize proposed natural resources adaptation actions for natural resources managed or impacted by activities authorized by the State;

(B) include a time frame for implementing the natural resources adaptation actions;

(C) are incorporated into a revision of the State wildlife action plan (also known as the

State comprehensive wildlife strategy) that has been—

(i) submitted to the United States Fish and Wildlife Service; and

(ii) approved, or is pending approval, by the United States Fish and Wildlife Service; and

(D) are developed—

(i) with the participation of the relevant State agencies considered appropriate by the Governor of the State; and

(ii) in coordination with other States and Indian tribes that share jurisdiction or cooperative management responsibilities over natural resources with the State; and

(2) identify and assess gaps in data useful in developing the State plan.

(c) **REVIEW AND APPROVAL.**—

(1) **IN GENERAL.**—The Secretary and, in the case of parts of the State plan relating to a coastal State, the Secretary of Commerce shall review each State plan, and approve the State plan if the State plan—

(A) meets the requirements of subsection (b); and

(B) is consistent with the other requirements of this Act.

(2) **DEADLINE.**—The Secretary and, as applicable, the Secretary of Commerce shall approve or disapprove the State plan by written notice not later than 180 days after the date of submission of the State plan (or a revised State plan).

(3) **RESUBMISSION.**—Not later than 90 days after the date of resubmission of a State plan that has been disapproved under this subsection, the Secretary and, as applicable, the Secretary of Commerce, shall approve or disapprove the resubmitted State plan by written notice.

(d) **PUBLIC INPUT.**—In developing the State plan, a State shall solicit and consider the input of local governments, the public, and independent scientific input.

(e) **COORDINATION WITH OTHER PLANS.**—The State plan shall, if appropriate, integrate the goals and measures set forth in other natural resources conservation strategies established pursuant to applicable law (including regulations), including—

(1) the National Fish Habitat Action Plan;

(2) plans under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(3) the Federal, State, and local partnership known as “Partners in Flight”;

(4) federally approved coastal zone management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(5) federally approved regional fishery management plants and habitat conservation activities under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the National Coral Reef Action Plan;

(7) recovery plans for threatened species and endangered species under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(8) habitat conservation plans under section 10 of that Act (16 U.S.C. 1539);

(9) the plans for imperiled species of other Federal agencies, States, and Indian tribes;

(10) plans under subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10361 et seq.) and other applicable law;

(11) the hazard mitigation plans of States and Indian tribes;

(12) the water management plans of States and Indian tribes;

(13) State property insurance programs; and

(14) other State-based strategies that implement natural resources adaptation activities to remediate the ongoing and expected effects of climate change.

(f) **UPDATING.**—Each State plan shall be updated at least every 5 years.

(g) **FUNDING.**—

(1) **IN GENERAL.**—Funds allocated to States under section 9 shall be used only for activities consistent with a State plan approved by the Secretary and, as appropriate, the Secretary of Commerce.

(2) **FUNDING PRIOR TO THE APPROVAL OF A STATE PLAN.**—Until the earlier of the date that is 3 years after the date of the enactment of this Act or the date on which a State plan is approved, a State shall be eligible to receive funding under section 9 for natural resources adaptation activities that are—

(A) consistent with the comprehensive wildlife strategy of the State and, where appropriate, other natural resources conservation strategies; and

(B) in accordance with a work plan made available to relevant Federal agencies.

(3) **PENDING APPROVAL.**—During the period for which approval of a State plan by the applicable Secretary is pending, the State may continue to receive funds under this Act pursuant to the work plan described in paragraph (2)(B).

SEC. 9. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION FUND.

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury a separate account, to be known as the “Natural Resources Climate Change Adaptation Fund” (referred to in this section as the “Fund”).

(b) **AVAILABILITY OF AMOUNTS.**—

(1) **IN GENERAL.**—All amounts deposited into the Fund shall be available without further appropriation or fiscal year limitation.

(2) **PAYMENTS.**—Subject to the requirements of programs authorized as of the date of enactment of this Act, the Secretary and the Secretary of Agriculture may distribute payments from the Fund in accordance with subsection (c).

(c) **DISTRIBUTION OF AMOUNTS.**—

(1) **STATES.**—Of the amounts made available for each fiscal year to carry out this Act, 38.5 percent shall be provided to the Secretary for distribution to States to carry out natural resources adaptation activities in accordance with natural resources adaptation plans approved under section 8, and shall be distributed as follows:

(A) 32.5 percent shall be available to State wildlife agencies in accordance with the apportionment formula established under the second subsection (c) (relating to the apportionment of the Wildlife Conservation and Restoration Account) of section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c); and

(B) 6 percent shall be available to State coastal agencies pursuant to the formula established by the Secretary of Commerce under section 306(c) of the Coastal Management Act of 1972 (16 U.S.C. 1455(c)).

(2) **NATURAL RESOURCES ADAPTATION.**—Of the amounts made available for each fiscal year to carry out this Act—

(A) 17 percent shall be allocated to the Secretary for use in funding—

(i) natural resources adaptation activities carried out—

(I) under endangered species, migratory species, and other fish and wildlife programs administered by the National Park Service, the United States Fish and Wildlife Service, the Bureau of Indian Affairs, and the Bureau of Land Management;

(II) on wildlife refuges, National Park Service land, and other public land under the jurisdiction of the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Indian Affairs, or the National Park Service;

(III) by the Bureau of Reclamation;

(IV) by the United States Geological Survey; and

(V) in Indian Country or on Native village or Regional Corporation land in Alaska; and

(ii) the implementation of the program;

(B) 5 percent shall be allocated to the Secretary for natural resources adaptation activities carried out through cooperative grant programs, such as—

(i) the cooperative endangered species conservation fund authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535);

(ii) programs under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(iii) the Neotropical Migratory Bird Conservation Fund established by section 9(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a));

(iv) the Coastal Program of the United States Fish and Wildlife Service;

(v) the National Fish Habitat Action Plan dated April 24, 2006 (including any revisions or amendments made to the National Fish Habitat Action Plan after April 24, 2006);

(vi) the Partners for Fish and Wildlife Program, as carried out by the Secretary under section 4 of the Partners for Fish and Wildlife Act (16 U.S.C. 3773);

(vii) the Landowner Incentive Program, as established by the Secretary in the matter under the heading "LANDOWNER INCENTIVE PROGRAM" under the heading "UNITED STATES FISH AND WILDLIFE SERVICE" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 504);

(viii) the Wildlife Without Borders Program of the United States Fish and Wildlife Service;

(ix) the Migratory Species Program and Park Flight Migratory Bird Program of the National Park Service;

(x) the Water for America or other programs carried out by the Bureau of Reclamation; and

(xi) programs under—

(I) subtitle A of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.);

(II) subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10361 et seq.); and

(III) other applicable law;

(C) 3 percent shall be allocated to the Secretary to provide financial assistance to Indian tribes to carry out natural resources adaptation activities through the Tribal Wildlife Grants Program of the United States Fish and Wildlife Service or other programs; and

(D) 12 percent shall be allocated for acquisition of land or interests in land to carry out natural resources adaptation activities as follows:

(i) $\frac{1}{2}$ shall be allocated to the Secretary of Agriculture to provide financial assistance to States and Indian tribes to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(ii)(I) The remainder $\frac{1}{2}$ shall be deposited in the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to be further allocated as follows:

(aa) $\frac{1}{2}$ of the funds provided by this subparagraph shall be allocated to the Secretary to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), to be made available on a competitive basis to States, in accordance with the natural resources adaptation plans of

States, and to Indian tribes, and in accordance with subclause (IV).

(bb) $\frac{1}{2}$ of the funds provided by this subparagraph shall be allocated to the Secretary to carry out natural resources adaptation activities through the acquisition of lands and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(cc) $\frac{1}{2}$ of the funds provided by this subparagraph shall be allocated to the Secretary of Agriculture to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(II) Deposits in the Land and Water Conservation Fund under this clause shall—

(aa) be supplemental to funds provided under section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6), which shall remain available for nonadaptation needs; and

(bb) be available to carry out this Act without further appropriation or fiscal year limitation.

(III) Amounts under subclause (I)(aa) shall be made available—

(aa) notwithstanding section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-7); and

(bb) in addition to any funds provided pursuant to appropriations, the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), or any other authorization.

(iii) In allocating funds under this subparagraph, the Secretary and the Secretary of Agriculture shall take into consideration factors including—

(I) the availability of non-Federal contributions from State, local, or private sources;

(II) opportunities to protect fish and wildlife corridors or otherwise to link or consolidate fragmented habitats;

(III) opportunities to reduce the risk of severe wildfires, drought, extreme flooding, or other climate-related events that are harmful to fish and wildlife and people; and

(IV) the potential for conservation of species or habitat types at serious risk due to climate change.

(3) NATIONAL FOREST AND GRASSLAND ADAPTATION.—Of the amounts made available for each fiscal year to carry out this Act, 5 percent shall be allocated to the Forest Service, through the Secretary of Agriculture—

(A) to fund natural resources adaptation activities (including water-related adaptation activities) carried out in national forests and national grasslands under the jurisdiction of the Forest Service; and

(B) to carry out natural resources adaptation activities on State, tribal, and private forest land carried out under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and other authorized cooperative grant programs.

(4) COASTAL, ESTUARINE, AND MARINE SYSTEM ADAPTATION.—Of the amounts made available for each fiscal year to carry out this Act, 7 percent shall be allocated to the Secretary of Commerce, working in cooperation with other Federal agencies, States, Indian tribes, local governments, scientists, and other conservation partners, to fund coastal, estuarine, and marine natural resources adaptation activities, through programs such as—

(A) the coastal and estuarine land conservation program administered by the National Oceanic and Atmospheric Administration;

(B) the community-based restoration program for fishery and coastal habitats established under section 117 of the Magnuson-Stevens Fishery Conservation and Manage-

ment Reauthorization Act of 2006 (16 U.S.C. 1891a);

(C) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) that are specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the ongoing and expected impacts of climate change;

(D) the Open Rivers Initiative;

(E) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(F) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

(G) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(H) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(I) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.); and

(J) the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.).

(5) ESTUARINE AND FRESHWATER ECOSYSTEM ADAPTATION.—Of the amounts made available for each fiscal year to carry out this Act, 7.5 percent shall be allocated to the Administrator of the Environmental Protection Agency and 5 percent shall be available to the Secretary of the Army for use by the Corps of Engineers, working in cooperation with other applicable Federal agencies, for natural resources adaptation activities for—

(A) large-scale freshwater aquatic ecosystems, such as the Everglades, the Great Lakes, Flathead Lake, the Missouri River, the Mississippi River, the Colorado River, the Sacramento-San Joaquin Rivers, the Ohio River, the Columbia-Snake River System, the Apalachicola, Chattahoochee, and Flint River System, the Connecticut River, Middle Rio Grande River, and the Yellowstone River;

(B) large-scale estuarine ecosystems, such as Chesapeake Bay, Long Island Sound, Puget Sound, the Mississippi River Delta, the San Francisco Bay Delta, Narragansett Bay, and Albemarle-Pamlico Sound;

(C) freshwater and estuarine ecosystems, watersheds, and basins identified and prioritized by the Administrator of the Environmental Protection Agency or the Corps of Engineers, working in cooperation with other Federal agencies, States, tribal governments, local governments, scientists, and other conservation partners;

(D) estuary habitat restoration projects authorized by the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.);

(E) aquatic restoration and protection projects authorized by section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2230); and

(F) other appropriate programs and activities.

(d) USE OF FUNDS BY FEDERAL AGENCIES.—Funds allocated to Federal agencies under this section shall only be used for natural resources adaptation activities consistent with a natural resources adaptation plan approved under section 7.

(e) STATE COST SHARING.—Notwithstanding any other provision of law, a State that receives a grant under this section shall use funds from non-Federal sources to pay not less than 10 percent of the costs of each activity carried out under the grant.

SEC. 10. ADDITIONAL PROVISIONS REGARDING INDIAN TRIBES.

(a) FEDERAL TRUST RESPONSIBILITY.—Nothing in this Act alters the Federal trust responsibility to any Indian tribe, or any treaty or other right of any Indian tribe.

(b) APPLICATION OF OTHER LAW.—The Secretary may apply the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) in the implementation of this Act.

By Mr. BAUCUS (for himself, Mr. KERRY, and Mrs. SHAHEEN):

S. 1934. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax on income from assets held abroad, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am pleased to introduce the Foreign Account Tax Compliance Act of 2009.

The bill gives the IRS powerful tools to find US taxpayers who are hiding their money in offshore accounts. It includes strong incentives for individuals to properly report income from assets held in offshore accounts. The days of sending your money offshore to avoid paying US taxes are over.

This package is the result of a collaborative effort with the House and has the support of the White House and the Treasury Department. It is fully consistent with the policies in the preliminary draft of offshore compliance proposals that I released in March of this year to detect, deter, and discourage offshore tax evasion.

The bill is a practical solution to a very challenging problem. For the first time, the tax law would authorize the IRS to receive information reports from foreign financial institutions disclosing the identities of their US account holders and the amounts being held in the accounts.

Individuals with offshore accounts would be required to provide details of those accounts on their tax returns.

Trust rules would be significantly strengthened to prevent the true beneficiaries from hiding behind a nominee owner.

It will not be so easy to hide your money from Uncle Sam anymore.

Following the recommendation of the Government Accountability Office, the IRS would have more time, up to 6 years, to find and examine unreported and misreported offshore transactions.

Robust penalties would be in place for those who still try to skirt the rules.

This bill would improve tax compliance without raising taxes on anyone. These are taxes that already are legally owed.

Those who game the tax system by hiding their money in offshore accounts, like those in the recent UBS scandal, unfairly shift the tax burden to honest taxpayers who comply with their tax obligations. The IRS estimates that up to 52,000 individuals hid billions of dollars in offshore accounts through UBS.

Offshore tax evasion is a significant part of the tax gap and it has gone on long enough.

I believe this bill will be a turning point in putting an end to offshore tax evasion.

I look forward to working with my Colleagues here in the Senate and in

the House to enact this important piece of legislation this year.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. THUNE, and Ms. KLOBUCHAR):

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President, today I am introducing comprehensive, bipartisan legislation to reduce deaths and injuries caused by drivers texting and holding cell phones, I am delighted to have four original cosponsors join me today: Senator HUTCHISON, the ranking member of the Senate Commerce, Science and Transportation Committee; Senator LAUTENBERG, the chairman of the Senate Commerce Committee's Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee, Senator SCHUMER, and Mr. THUNE, the ranking member of the Surface Transportation and Merchant Marine Subcommittee.

According to the Department of Transportation, distracted drivers last year killed 5,800 people. Distraction was a factor in 16 percent of all traffic fatalities. In addition, distracted drivers injured 515,000 people, which accounted for 22 percent of all people injured in traffic accidents.

Distracted driving covers a range of activities: eating, reaching for an object, texting, or using a cell phone. An analysis of 5,471 passenger vehicle crashes investigated by the National Highway Traffic Safety Administration, NHTSA, found that 18 percent of drivers just prior to the crash were engaged in at least one non-driving activity, which included cell phone use.

We all know that the explosion of cell phone use and texting in the past three years has brought distracted driving to a new level of danger. Now we have the new data, provided by the same researchers who record seat belt use levels for NHTSA: at any given daylight hour, 11 percent of vehicles are driven by a person holding a handheld electronic device. That translates into 812,000 drivers not paying full attention to driving at any given moment of the day, which makes our roads more dangerous for everyone.

The statistics regarding deaths and injuries caused by distracted drivers provide the foundation for us to act. But the tragic, individual stories of deaths and injuries to innocent people compel us to act.

In October 2008, 29-year-old Tiffany DeGroft was exchanging text messages with her boyfriend while driving her Jaguar on Braddock Road in Centreville, Virginia. The text messages indicate that her boyfriend was upset. His last text message read: "Why aren't you answering me now?" Tiffany DeGroft did not answer because her car had missed a curve in the road. She

was killed on impact. A Fairfax County detective said, "We found the phone on the floor in the open position. I suspect she was actually reading the text."

While that story is tragic, it becomes even more so when the person texting doesn't kill himself or herself, but innocent persons instead.

In September 2008, 13-year-old Margay Schee in Marion County, FL, was riding home from school in a school bus. A truck driver, who by his own admission was distracted by a cell phone conversation, slammed into the back of the bus, which had its flashers on while stopped. The bus caught fire, killing Margay in a vehicle that is designed to protect children.

In September 2006, college student Reggie Shaw sent 11 text messages over 30 minutes to his girlfriend as he drove his truck along a two-lane highway in rural Utah. Shaw sent the last text message one minute before he called police about the accident. Investigators concluded that Shaw sent that last text message just as he crossed the yellow line of the rural highway, striking an oncoming car. James Furaro and Keith O'Dell, both rocket scientists, were killed instantly.

Unlike some highway safety issues that are complicated to address, this one is not. Writing and reading text messages while driving a 2,000-pound vehicle is dangerous—not only for the driver, but also for the driver's passengers and everyone else using the roads. Crashes involving commercial vehicles—such as trucks and buses—can result in even more catastrophic accidents than passenger cars. An 80,000-pound truck will crush a small car like a soda can.

Texting takes a driver's eyes off the road for at least four seconds at a time—long enough at high speeds to travel the length of a football field. Under those circumstances, there is no time to react to a stopped car, a stop sign, or another road hazard. In fact, a recent study by the Virginia Tech Transportation Institute on behalf of the Federal Motor Carrier Safety Administration, FMCSA, found that motor vehicle operators who are texting are 23 times more likely to cause a crash, or near-crash, than a non-distracted driver. Deaths and injuries to innocent people are the inevitable and tragically avoidable result.

In 2006, the National Transportation Safety Board, after investigating several accidents, made a recommendation to the FMCSA to ban cell phone use by commercial driver's license holders who have endorsements to carry passengers or drive school buses. I commend the Transportation Secretary's recent actions to begin addressing these recommendations. But I am concerned that the Department of Transportation should be doing more to eliminate these unsafe driver distractions.

Several States have taken action to ban texting while driving, and to limit cell phone use to hands-free devices.

But not enough states have done so. Since Constitutional considerations prohibit the federal government from directing states to enact traffic laws, we at the federal level can only give states funding incentives to act with regard to passenger vehicle drivers. That is why I am today introducing the Distracted Driving Prevention Act of 2009.

First, this legislation would create a grant program to send money to states that enact laws to prohibit texting and hand-held cell phone use while driving. While we wish the states would enact these common-sense safety measures on their own, the history of highway safety tells us that many states will fail to act unless we give them an incentive to do so.

To qualify for a federal grant, a state must enact an absolute ban on texting while driving. No exceptions. There should be no exception for a driver taking his or her eyes off the road. For states to receive the grant, the prohibition on texting must have significant penalties, including increased fines and other penalties for a driver who causes an accident while texting.

The second requirement for a State to receive a grant is to enact a law that bans holding a cell phone while driving. When people drive, both hands should be on the wheel. The grant program does not ask states to completely ban cell phone use by drivers; our legislation would allow the use of a hands-free device during a phone call. We also allow states to make exceptions for holding a cell phone to call for emergency services.

States qualifying for the grant must completely ban cell phone use by drivers under the age of 18. A driver under 18 years old may not even use a hands-free device. For these inexperienced drivers, the additional distraction of using a cell phone can be deadly. Many parents already encourage their teenage drivers to not use a cell phone while driving. But having the police enforce this law will be even more effective.

With more States enacting a ban on texting and hand-held cell phone use, we need to get the message out so that drivers obey the law. Our legislation would create a new national education campaign based upon the tremendous success of the recent drunk driving and seat belt advertising campaigns. These advertising campaigns are not only an opportunity to remind people of the law, but also a means by which to educate drivers about the dangers of texting and cell phone use. This education can change driver behavior even when law enforcement might not be present.

In addition to nationwide advertising, we also will direct NHTSA to target some local markets with advertising in states and cities that have already passed texting and cell phone use laws.

Unlike passenger vehicle drivers, a truck driver's vehicle is also his or her

office space. Devices to receive directions, follow-up on orders, or maintain contact with dispatchers are necessary to perform a truck driver's duties. These devices, too, can become distractions, as they require eyes and attention to be removed from the roadway. Therefore, this legislation would require the Secretary of Transportation to issue regulations within one year specifically on the use of electronic and wireless devices by commercial motor vehicle drivers and those who operate certain school buses. The Secretary would be authorized to ban the use of certain devices if the Secretary determines that they interfere with the safe operation of a commercial motor vehicle. The bill also would allow the Secretary to permit exceptions for emergency uses. We need to make sure that commercial motor vehicle drivers are operating their trucks and buses in the safest manner possible.

Furthermore, this legislation will require that states, as part of their federal grant for data collection, begin collecting distracted driving data about each vehicle crash, starting with the police reports of the crash. By requiring law enforcement officers to inquire about the possible role that texting or cell phone use might have played in a crash, and requiring states to collect that data, we can better understand the scope and causes of the distracted driving problem.

To bolster the new data collection at the state level, this legislation would require the Transportation Secretary to establish a dedicated program at the Transportation Department to study all forms of distracted driving across all modes of transportation. Better research is essential to finding the best strategies for reducing deaths and injuries caused by distracted driving.

This legislation also charges the Federal Communications Commission with studying potential initiatives to raise awareness and reduce the problems caused by distracted driving. By bringing aboard the agency with oversight of wireless carriers, we add another stakeholder that can help us develop creative solutions to address this problem.

One last note about this legislation: it is paid for. The grant program that encourages states to enact a primary seat belt law has run a surplus in recent years as the number of states enacting a new primary seat belt law has slowed. Any state that enacts a new primary seat belt law in 2010 and 2011 would still receive their safety belt grant. But the remainder of the funding for that program will be redirected for the nationwide distracted driving advertising campaigns, and sent as grants to states that prohibit texting and hand-held cell phone use.

Creating incentives for states to take action against distracted driving, launching a nationwide campaign to educate drivers about the dangers of texting and cell phone use, and collecting better data about driver behav-

ior will result in fewer deaths and injuries on our nation's roads.

I ask my colleagues to support this comprehensive bill that will save lives and prevent injuries by reducing distracted driving.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—HONORING EDWARD W. BROOKE, III, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF MASSACHUSETTS, ON THE OCCASION OF HIS 90TH BIRTHDAY

Mr. BURRIS (for himself, Mr. KERRY, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 323

Whereas Edward W. Brooke, III, served in the United States Senate with great dedication, integrity, and professionalism as a trusted colleague from the Commonwealth of Massachusetts;

Whereas Edward Brooke was the first African American elected by popular vote to the United States Senate and was the first African American to serve in the United States Senate since the Reconstruction Era;

Whereas Edward Brooke served on the Commission on Civil Disorders under President Lyndon B. Johnson, where his work on discrimination in housing served as the basis for the Fair Housing Act of 1968 (42 U.S.C. 3601 et seq.);

Whereas Edward Brooke was awarded the Presidential Medal of Freedom on June 23, 2004;

Whereas Edward Brooke was awarded the Congressional Gold Medal on October 28, 2009;

Whereas Edward Brooke's long and distinguished career in public service included serving in the United States Army during World War II, as Attorney General for the Commonwealth of Massachusetts, and as chairman of the board of the National Low Income Housing Coalition; and

Whereas Edward Brooke celebrated his 90th birthday on October 26, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and honors the unprecedented and enduring achievements and contributions made by Edward W. Brooke, III, during his distinguished career of public service to the United States; and

(2) congratulates and expresses best wishes to Edward Brooke on the celebration of his 90th birthday.

SENATE RESOLUTION 324—DESIGNATING NOVEMBER 1, 2009, AS "NATIONAL HEMANGIOMA TREATMENT AWARENESS DAY"

Mr. GRAHAM submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas hemangiomas are the most common benign tumors that occur in infancy;

Whereas hemangiomas appear at birth, or within the first several months of life;

Whereas, each year, approximately 400,000 children in the United States are born with hemangiomas and other vascular anomalies;

Whereas hemangiomas and other vascular anomalies can have a negative effect on the emotional development of a child;

Whereas awareness of the impact of hemangiomas and vascular anomalies on children, their families, and society will lead to improvements in the care of children with hemangiomas;

Whereas the National Institutes of Health supports research on the treatment of, and cure for, hemangiomas and other vascular anomalies;

Whereas The Hemangioma Treatment Foundation has the unique mission of providing treatment to children affected with hemangiomas and other vascular anomalies; and

Whereas The Hemangioma Treatment Foundation is dedicated to finding a cure for hemangiomas and other vascular anomalies: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 1, 2009, as “National Hemangioma Treatment Awareness Day”; and

(2) respectfully requests that the Secretary of Senate transmit a copy of this resolution to The Hemangioma Treatment Foundation.

SENATE RESOLUTION 325—DESIGNATING OCTOBER 25 THROUGH OCTOBER 31, 2009, AS “NATIONAL HISPANIC MEDIA WEEK” IN HONOR OF THE LATINO MEDIA OF AMERICA

Mr. REID (for himself, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. BENNET, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 325

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas there are over 800 Hispanic newspapers with a circulation of 17,800,000, and over 550 Hispanic magazines with a circulation of 31,600,000;

Whereas Hispanic television and radio programs respond to the bilingual needs of the United States Latino population;

Whereas market research estimates that the reach of Spanish language television is nearly universal;

Whereas 1 in 8 Americans is served by a Hispanic publication throughout the Nation;

Whereas the Latino print media generated \$1,400,000,000 in revenue last year, despite adverse economic conditions;

Whereas the Hispanic press informs many Americans about significant political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 25 through October 31, 2009, as “National Hispanic Media Week” in honor of the Latino Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2703. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental

Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2704. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2705. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2706. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2707. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2703. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 22, add the following:
SEC. 205. EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

SA 2704. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 9, add the following:

SEC. 6. EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

SA 2705. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, line 22, strike all through page 7, line 9, and insert the following:

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of such Code is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a comma, and by adding at the end the following new paragraphs:

“(3) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase, or

“(4) the taxpayer fails to attach to the return of tax for such taxable year a certified statement of the taxpayer's eligibility for the tax credit issued by the real estate reporting person (as defined in section 6045(e)(2)) with respect to such purchase.”.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of such Code is amended by inserting “(or, if married, such individual's spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of such Code, as amended by this Act, is amended by striking “and” at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting “, and”, and by inserting after subparagraph (O) the following new subparagraph:

“(P) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(3),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in paragraph (3) or (4) of section 36(d).”.

(e) INVESTIGATION AND PROSECUTION; REPORT.—The Commissioner of Internal Revenue shall take such steps as are necessary to investigate and prosecute instances of fraud related to the first-time homebuyer tax credit under section 36 of the Internal Revenue Code of 1986. The Commissioner of Internal Revenue shall provide reports to Congress on the status of the investigatory and prosecutorial actions not later than 90 days after the date of the enactment of this Act, and quarterly thereafter.

(f) EFFECTIVE DATE.—

SA 2706. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. . WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.

(a) IN GENERAL.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

“(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with

Government orders received by such individual, or such individual's spouse, for qualified official extended duty service—

“(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

“(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

“(ii) **QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.**—For purposes of this section, the term ‘qualified official extended duty service’ means service on qualified official extended duty as—

“(I) a member of the uniformed services,

“(II) a member of the Foreign Service of the United States, or

“(III) as an employee of the intelligence community.

“(iii) **DEFINITIONS.**—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to dispositions and cessations after December 31, 2008.

SEC. ____. **EXTENSION OF FIRST-TIME HOME-BUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by striking “This section” and inserting “(1) **IN GENERAL.**—This section”, and

(2) by adding at the end the following:

“(2) **SPECIAL RULES FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.**—In the case of any individual who serves on qualified official extended duty service outside the United States for at least 90 days in calendar year 2009 and, if married, such individual's spouse—

“(A) paragraph (1) shall be applied by substituting ‘December 1, 2010’ for ‘December 1, 2009’,

“(B) subsection (f)(4)(D) shall be applied by substituting ‘December 1, 2010’ for ‘December 1, 2009’, and

“(C) in lieu of subsection (g), in the case of a purchase of a principal residence after December 31, 2009, and before July 1, 2010, the taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section (other than subsections (c) and (f)(4)(D)).”

(b) **COORDINATION WITH FIRST-TIME HOME-BUYER CREDIT FOR DISTRICT OF COLUMBIA.**—Paragraph (4) of section 1400C(e) of such Code is amended by inserting “(December 1, 2010, in the case of a purchase subject to section 36(h)(2))” after “December 1, 2009”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to residences purchased after November 30, 2009.

SEC. ____. **EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**

(a) **IN GENERAL.**—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking “this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure” and inserting “the American Recovery and Reinvestment Tax Act of 2009”, and

(2) in subparagraph (2) by striking “clause (1) of”.

(b) **EFFECTIVE DATE.**—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. ____. **INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.**

(a) **IN GENERAL.**—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking “\$89” and inserting “\$110”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. ____. **TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 0.5 percentage points.

SA 2707. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

TITLE VI—CONGO CONFLICT MINERALS

SEC. 601. FINDINGS.

Congress finds the following:

(1) The Democratic Republic of Congo was devastated by a civil war carried out in 1996 and 1997 and a war that began in 1998 and ended in 2003, which resulted in widespread human rights violations and the intervention of multiple armed forces or armed non-state actors from other countries in the region.

(2) Despite the signing of a peace agreement and subsequent withdrawal of foreign forces in 2003, the eastern region of the Democratic Republic of Congo has continued to suffer from high levels of poverty, insecurity, and a culture of impunity, in which illegal armed groups and military forces continue to commit widespread human rights abuses.

(3) According to a study by the International Rescue Committee released in January 2008, conflict and related humanitarian crisis in the Democratic Republic of Congo have resulted in the deaths of an estimated 5,400,000 people since 1998 and continue to cause as many as 45,000 deaths each month.

(4) Sexual violence and rape remain pervasive tools of warfare used by all parties in eastern region of the Democratic Republic of Congo to terrorize and humiliate communities, resulting in community break down which causes a decrease in the ability of affected communities to resist control by illegal armed forces and a loss of community access to minerals. Sexual violence and rape affect hundreds of thousands of women and girls, frequently resulting in traumatic fistula, other severe genital injuries, and long-term psychological trauma.

(5) A report released by the Government Accountability Office in December 2007 describes how the mismanagement and illicit trade of extractive resources from the Democratic Republic of Congo supports conflict between militias and armed domestic factions in neighboring countries.

(6) In October 2002, the United Nations Group of Experts on the Democratic Republic of Congo called on member states of the United Nations to adopt measures, consistent with the guidelines established for multinational enterprises by the Organization for Economic Co-operation and Development, to ensure that enterprises in their jurisdiction do not abuse principles of conduct that they have adopted as a matter of law.

(7) In February 2008, the United Nations Group of Experts on the Democratic Republic of Congo stated, “individuals and entities buying mineral output from areas of the eastern part of the Democratic Republic of Congo with a strong rebel presence are violating the sanctions regime when they do not exercise due diligence to ensure their mineral purchases do not provide assistance to illegal armed groups” and defined due diligence as including the following:

(A) Determining the precise identity of the deposits from which the minerals they intend to purchase have been mined.

(B) Establishing whether or not these deposits are controlled or taxed by illegal armed groups.

(C) Refusing to buy minerals known to originate, or suspected to originate, from deposits controlled or taxed by illegal armed groups.

(8) In its final report, released on December 12, 2008, the United Nations Group of Experts on the Democratic Republic of the Congo found that official exports of columbite-tantalite, cassiterite, wolframite, and gold are grossly undervalued and that various illegal armed groups in the eastern region of the Democratic Republic of Congo continue to profit greatly from these natural resources by coercively exercising control over mining sites from where they are extracted and locations along which they are transported for export.

(9) United Nations Security Council Resolution 1857, unanimously adopted on December 22, 2008—

(A) broadens existing sanctions relating to the Democratic Republic of Congo to include “individuals or entities supporting the illegal armed groups . . . through illicit trade of natural resources,”; and

(B) encourages member countries to ensure that companies handling minerals from the Democratic Republic of Congo exercise due diligence on their suppliers.

(10) Continued weak governance in the Democratic Republic of Congo has allowed the illicit trade in the minerals columbite-tantalite, cassiterite, wolframite, and gold to flourish, which empowers illegal armed groups, undermines local development, and results in a loss or misuse of tax revenue for the Government of the Democratic Republic of Congo. The development of stronger governance and economic institutions that support legitimate cross-border trade in such minerals would—

(A) help prevent the exploitation of such minerals by illegal armed groups; and

(B) enable the hundreds of thousands of people who depend on such minerals for their livelihoods to benefit from such minerals.

(11) Metals derived from columbite-tantalite, cassiterite, wolframite, and gold from the Democratic Republic of Congo are used in diverse technological products sold worldwide, including mobile telephones, laptop computers, and digital video recorders.

(12) In February 2009, the Electronic Industry Citizenship Coalition and the Global e-Sustainability Initiative released a statement asserting that—

(A) use by the information communications technology industry of mined commodities that support conflict in such countries as the Democratic Republic of Congo is unacceptable; and

(B) electronics companies can and should uphold responsible practices in their operations and work with suppliers to meet social and environmental standards with respect to the raw materials used in the manufacture of their products.

(13) Notwithstanding the extensiveness of the supply chains of technological products and the extensiveness of the processing

stages for the metals derived from columbite-tantalite, cassiterite, wolframite, and gold used in such products, companies that create and sell products that include such metals have the ability to influence the situation in the Democratic Republic of Congo by—

(A) exercising due diligence in ensuring that their suppliers provide raw materials in a manner that does not—

(i) directly finance armed conflict;

(ii) result in labor or human rights violations; or

(iii) damage the environment;

(B) verifying—

(i) the country from which the minerals used to derive such metals originate;

(ii) the identity of the exporter of the minerals; and

(iii) that all appropriate tax payments are made; and

(C) committing to support mineral exporters from the Democratic Republic of Congo who—

(i) fully disclose their export payments; and

(ii) certify that their minerals do not—

(I) directly finance armed conflict;

(II) result in labor or human rights violations; or

(III) damage the environment.

SEC. 602. STATEMENT OF POLICY.

It is the policy of the United States, as affirmed by the Democratic Republic of Congo Relief, Security, and Development Promotion Act of 2006 (Public Law 109-456; 22 U.S.C. 2151 note) and consistent with United Nations Security Council Resolution 1857 (2008), to promote peace and security in the eastern Democratic Republic of Congo by supporting efforts of the Government of the Democratic Republic of Congo, other governments in the Great Lakes Region of Africa, and the international community—

(1) to monitor and stop commercial activities involving the natural resources of the Democratic Republic of Congo that contribute to illegal armed groups and human rights violations in the Democratic Republic of Congo; and

(2) to develop stronger governance and economic institutions that can facilitate and improve transparency in the cross-border trade involving the natural resources of the Democratic Republic of Congo in order to reduce exploitation by illegal armed groups and promote local and regional development.

SEC. 603. INVESTIGATION, REPORTS, AND STRATEGY REGARDING COLUMBITE-TANTALITE, CASSITERITE, WOLFRAMITE, GOLD, AND HUMAN RIGHTS ABUSES IN THE DEMOCRATIC REPUBLIC OF CONGO.

(a) **SUPPORT OF MANDATE OF UNITED NATIONS GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF CONGO.**—The President, acting through the Secretary of State, the United States Permanent Representative to the United Nations, and other appropriate United States Government officials, shall use the voice and vote of the United States at the United Nations Security Council to renew the mandate and strengthen the capacity of the United Nations Group of Experts on the Democratic Republic of Congo to investigate links between natural resources and the financing of illegal armed groups, and ensure that the Group of Experts' recommendations are given serious consideration.

(b) **MAP OF MINERAL-RICH ZONES AND ARMED GROUPS IN DEMOCRATIC REPUBLIC OF CONGO.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic

Republic of Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(A) to produce a map of mineral-rich zones and armed groups in the eastern region of the Democratic Republic of Congo; and

(B) to make such map available to the public.

(2) **UPDATES.**—The Secretary of State shall update the map required by paragraph (1) not less frequently than once every 180 days until the Secretary of State certifies that no armed party to any ongoing armed conflict in the Democratic Republic of Congo or any other country is involved in the mining, sale, or export of columbite-tantalite, cassiterite, wolframite, or gold, or the control thereof, or derives benefits from such activities.

(c) **GUIDANCE FOR COMMERCIAL ENTITIES.**—The Secretary of State shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations to provide guidance to commercial entities seeking to exercise due diligence on their suppliers to ensure that the raw materials used in their products do not—

(1) directly finance armed conflict;

(2) result in labor or human rights violations; or

(3) damage the environment.

(d) **STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, working with the Administrator of the United States Agency for International Development, submit to the appropriate congressional committees a strategy to address the linkages that exist between human rights abuses, armed groups, and the mining of columbite-tantalite, cassiterite, wolframite, and gold in the Democratic Republic of Congo.

(2) **CONTENTS.**—The strategy required by paragraph (1) shall include the following:

(A) A plan to assist the Government of the Democratic Republic of Congo and other governments in the region in establishing and effectively implementing the necessary frameworks and institutions to formalize and improve transparency in the trade of columbite-tantalite, cassiterite, wolframite, and gold.

(B) An outline of assistance currently being provided and an assessment of future assistance that could be provided by the Government of the United States to help the Government of the Democratic Republic of Congo strengthen the management and export of natural resources in the eastern region of the Democratic Republic of Congo.

(C) A description of punitive measures that could be taken against individuals or entities whose commercial activities are supporting illegal armed groups and human rights violations in eastern Democratic Republic of Congo.

(e) **ANNUAL HUMAN RIGHTS REPORTS.**—In preparing those portions of the annual Country Reports on Human Rights Practices relating to the Democratic Republic of Congo or countries that share a border with the Democratic Republic of Congo, the Secretary of State shall ensure that such reports include a description of any instances or patterns of practice that indicate that the extraction and cross-border trade in columbite-tantalite, cassiterite, wolframite, or gold has negatively affected human rights conditions or supported specific human rights violations, sexual or gender-based violence, or labor abuses in the eastern region of the Democratic Republic of Congo, during the period covered by each report.

(f) **ANNUAL ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT INVESTMENT COMMITTEE REPORT.**—In preparing the United States' annual report to the Organization for Economic Co-operation and Development Investment Committee, the Secretary of State shall include a description of efforts by the United States to ensure, consistent with the Organization for Economic Co-operation and Development Guidelines for Multinational Enterprises, that enterprises under United States jurisdiction are exercising due diligence to ensure that their purchases of minerals or metals are not originating from mines and trading routes that are used to finance or benefit illegal armed groups in the Democratic Republic of Congo.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State for fiscal year 2010 such sums as may be necessary for the Secretary to carry out the provisions of this section.

(h) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

(2) **HUMAN RIGHTS REPORTS.**—The term "Human Rights Reports" means all reports submitted by the Secretary of State to Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n and 2304).

SEC. 604. DISCLOSURE TO SECURITIES AND EXCHANGE COMMISSION OF ACTIVITIES RELATING TO COLUMBITE-TANTALITE, CASSITERITE, AND WOLFRAMITE INDUSTRIES.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

"(m) **DISCLOSURE TO COMMISSION OF ACTIVITIES RELATING TO COLUMBITE-TANTALITE, CASSITERITE, AND WOLFRAMITE INDUSTRIES.**—

"(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this subsection, the Commission shall promulgate rules requiring any person described in paragraph (2)—

"(A) to disclose annually to the Commission the country of origin of columbite-tantalite, cassiterite, or wolframite related to any of the activities described in paragraph (3);

"(B) if disclosure is required under subparagraph (A) and the country of origin disclosed under subparagraph (A) is the Democratic Republic of Congo or an adjoining country, to disclose annually to the Commission the mine of origin of such columbite-tantalite, cassiterite, and wolframite; and

"(C) if disclosure is required under subparagraph (A) or subparagraph (B) for columbite-tantalite, cassiterite, or wolframite, to submit along with such disclosure an independent audit of the supply chain of such columbite-tantalite, cassiterite, or wolframite to ensure that such disclosure is accurate.

"(2) **PERSON DESCRIBED.**—A person is described in this paragraph if the person—

"(A) is required to file reports to the Commission under subsection (a); and

"(B) either—

"(i) engages in activities described in paragraph (3); or

"(ii) controls a person that engages in activities described in paragraph (3).

"(3) **ACTIVITIES DESCRIBED.**—An activity described in this paragraph is—

“(A) the commercial exploration, extraction, importation, exportation, or sale of columbite-tantalite, cassiterite, or wolframite; or

“(B) the use of such minerals, derivatives of such minerals, components that include such minerals, or components that include derivatives of such minerals in the manufacture of a product for sale.

“(4) REVISIONS AND WAIVERS.—The Commission may revise or temporarily waive the requirements described in paragraph (1) if the Commission determines that such revision or waiver is—

“(A) necessary for the protection of investors; and

“(B) in the public interest.

“(5) TERMINATION OF DISCLOSURE REQUIREMENTS.—The disclosure requirements of this subsection shall terminate if the President—

“(A) determines that—

“(i) no armed party to any ongoing armed conflict in the Democratic Republic of Congo or any other country—

“(I) is involved in an activity described in paragraph (3)(A) with respect to columbite-tantalite, cassiterite, or wolframite; or

“(II) derives benefits from such activity; or

“(ii) a regional framework has been established and effectively implemented to monitor and regulate the activities described in paragraph (3)(A) with respect to columbite-tantalite, cassiterite, or wolframite in the Democratic Republic of Congo so that such activities do not finance or benefit illegal armed groups; and

“(B) notifies the Commission of the determination under subparagraph (A).

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission for fiscal year 2010 such sums as may be necessary for the Commission to carry out the provisions of this subsection.

“(7) DEFINITIONS.—In this subsection, the following definitions shall apply:

“(A) ADJOINING COUNTRY.—The term ‘adjoining country’, with respect to the Democratic Republic of Congo, means a country that shares an internationally recognized border with the Democratic Republic of Congo.

“(B) CONTROL.—The term ‘control’ means—

“(i) in the case of a corporation, ownership of at least 50 percent of the voting stock of the corporation; and

“(ii) in the case of any other entity, ownership of interests representing at least 50 percent of the voting capital of the entity.

“(C) FOREIGN PERSON.—The term ‘foreign person’ means a person—

“(i) in the case of an individual, who is an alien as such term is defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

“(ii) in the case of a partnership, corporation, or other entity, that is organized under the laws of a foreign country or that has its principal place of business in a foreign country.

“(D) PERSON.—The term ‘person’ has the meaning given the term in section 3(a) but does not include—

“(i) any foreign nongovernmental organization that—

“(I) has consultative status with the United Nations Economic and Social Council; or

“(II) has been accredited by a department or specialized agency of the United Nations; or

“(ii) a foreign person whose business activities are strictly limited to providing goods and services that are—

“(I) intended to relieve human suffering;

“(II) intended to promote welfare, health, religious, or spiritual activities;

“(III) used for educational or humanitarian purposes;

“(IV) used for journalistic activities; or

“(V) used for such other purposes as the Secretary of State may determine serve the foreign policy interests of the United States.”.

SEC. 605. SENSE OF CONGRESS ON ASSISTANCE FOR AFFECTED COMMUNITIES AND SUSTAINABLE LIVELIHOODS.

(a) SENSE OF CONGRESS ON ASSISTANCE FOR AFFECTED COMMUNITIES.—It is the sense of Congress that the Administrator of the United States Agency for International Development should expand and better coordinate programs to assist and empower communities in the eastern Democratic Republic of Congo whose livelihoods depend on the mineral trade, particularly—

(1) communities affected by sexual and gender-based violence; and

(2) individuals displaced by violence.

(b) SENSE OF CONGRESS ON FUTURE YEAR FUNDING.—It is the sense of Congress that the Secretary of State and the Administrator should work with the appropriate congressional committees to increase assistance in fiscal years beginning after fiscal year 2009 for communities affected by violence in the Democratic Republic of Congo, specifically—

(1) to provide medical treatment, psychological support, and rehabilitation assistance for survivors of sexual and gender-based violence;

(2) to provide humanitarian relief and basic services to people displaced by violence;

(3) to improve living conditions and livelihood prospects for artisanal miners and mine workers; and

(4) to alleviate poverty by reconstructing infrastructure and revitalizing agricultural production.

(c) SENSE OF CONGRESS ON COORDINATION OF ASSISTANCE.—It is the sense of Congress that the United States should work with other countries, on a bilateral and multilateral basis—

(1) to increase protection and services for communities in the eastern Democratic Republic of Congo at risk of human rights violations associated with the mineral trade, particularly women and girls;

(2) to strengthen the management and trade of natural resources in the Democratic Republic of Congo; and

(3) to improve the conditions and livelihood prospects of artisan miners and mine workers.

SEC. 606. REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of the provisions of this Act and section 13(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(m)), as added by section 5, in promoting peace and security in accordance with section 3.

(2) A description of the problems, if any, encountered by the President, officials described in section 4(a), the Securities and Exchange Commission, and the Administrator of the United States Agency for International Development in carrying out the provisions of this Act and such section 13(m).

(3) A description of the adverse impacts of carrying out the provisions of this Act and such section 13(m), if any, on communities in the eastern Democratic Republic of Congo.

(4) Recommendations for legislative or regulatory actions that can be taken—

(A) to improve the effectiveness of the provisions of this Act and such section 13(m) to promote peace and security in accordance with section 3;

(B) to resolve the problems described pursuant to paragraph (2), if any; and

(C) to mitigate the adverse impacts described pursuant paragraph (3), if any.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 27, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 27, 2009, at 2:15 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 27, 2009, at 9:30 a.m. in Room 406 of the Dirksen Senate Office Building to hold a hearing entitled, “Legislative Hearing on S. 1733, Clean Energy Jobs and American Power Act.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 27, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKETING, INSPECTION AND PLANT AND ANIMAL HEALTH AND THE SUBCOMMITTEE ON PRODUCTION, INCOME PROTECTION, AND PRICE SUPPORT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry, Subcommittee on Domestic and Foreign Marketing, Inspection and Plant and Animal Health and the Subcommittee on Production, Income Protection, and Price Support, be authorized to meet during the session of the Senate on October 27, 2009, at 2:30 p.m. in room 216 of the Hart Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff during the pendency of this nomination: Troy Ware.

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

NATIONAL HEMANGIOMA TREATMENT AWARENESS DAY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 324, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 324) designating November 1, 2009, as "National Hemangioma Treatment Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas hemangiomas are the most common benign tumors that occur in infancy;

Whereas hemangiomas appear at birth, or within the first several months of life;

Whereas, each year, approximately 400,000 children in the United States are born with hemangiomas and other vascular anomalies;

Whereas hemangiomas and other vascular anomalies can have a negative effect on the emotional development of a child;

Whereas awareness of the impact of hemangiomas and vascular anomalies on children, their families, and society will lead to improvements in the care of children with hemangiomas;

Whereas the National Institutes of Health supports research on the treatment of, and cure for, hemangiomas and other vascular anomalies;

Whereas The Hemangioma Treatment Foundation has the unique mission of providing treatment to children affected with hemangiomas and other vascular anomalies; and

Whereas The Hemangioma Treatment Foundation is dedicated to finding a cure for hemangiomas and other vascular anomalies: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 1, 2009, as "National Hemangioma Treatment Awareness Day"; and

(2) respectfully requests that the Secretary of Senate transmit a copy of this resolution to The Hemangioma Treatment Foundation.

NATIONAL HISPANIC MEDIA WEEK

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 325, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 325) designating October 25 through October 31, 2009 as "National Hispanic Media Week" in honor of the Latino Media of America.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 325

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas there are over 800 Hispanic newspapers with a circulation of 17,800,000, and over 550 Hispanic magazines with a circulation of 31,600,000;

Whereas Hispanic television and radio programs respond to the bilingual needs of the United States Latino population;

Whereas market research estimates that the reach of Spanish language television is nearly universal;

Whereas 1 in 8 Americans is served by a Hispanic publication throughout the Nation;

Whereas the Latino print media generated \$1,400,000,000 in revenue last year, despite adverse economic conditions;

Whereas the Hispanic press informs many Americans about significant political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 25 through October 31, 2009, as "National Hispanic Media Week" in honor of the Latino Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, as amended by Public Law 110-315, appoints the following individuals to the Advisory Committee on Student Financial Assistance: David Gruen of Wyoming and William Luckey of Kentucky.

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR WEDNESDAY, OCTOBER 28, 2009

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, October 28; 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 for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act of 2009, postcloture; and that time during any period of morning business, recess or adjournment count postcloture.

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

PROGRAM

Mrs. SHAHEEN. Mr. President, cloture was invoked on the motion to proceed to the unemployment extension legislation. It is my hope that some of the postcloture debate time can be yielded back and that we can proceed to the bill tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. SHAHEEN. 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 7:10 p.m., adjourned until Wednesday, October 28, 2009, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, October 27, 2009:

THE JUDICIARY

IRENE CORNELIA BERGER, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA.