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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Lord, as we look at our history, we marvel at Your mercies. You have blessed our Nation with Your presence, repeatedly opening doors for new opportunities. You have delivered us from perils, setbacks, and dangers. Great is Your faithfulness.

Guide our lawmakers according to Your will. Give them humble hearts, emptied of presumptuous pride and motivated by a desire to please You. Make their spirits quarries out of which stones for new citadels of freedom and excellence may be fashioned. Reveal to them the means You would have them use to establish justice and peace. Lord, make this Nation the hope of all who suffer and the dread of all who would enslave the human spirit.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR 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. Senators will be permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the conference report to accompany H.R. 2647, the Department of Defense authorization bill. There will then be an hour for debate equally divided and controlled between Senators LEVIN and MCCAIN, the chairman and ranking member of that committee. Around 11:45 a.m., give or take a few minutes, the Senate will vote on the motion to invoke cloture on the conference report.

Last night, I filed cloture on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act. That is so important to millions of people in America today. We have a lot of people out of work, and their unemployment benefits have run out. I hope we do not have to have a cloture vote in the morning. I would think it would be to everyone's interest to move forward on this legislation. I would like to do it, just get rid of the bill, finish that.

I have had conversations with my Republican colleagues, and they want some amendments. We have been pretty good this year being very open in the amendment process. There have been a couple snags once in a while that we ran into but not often. I see no reason why we cannot have a reasonable number of amendments on each side and complete the legislation today. If we do not, we are going to have to have that cloture vote tomorrow. If we have a cloture vote tomorrow, we likely will have a vote on other matters which I have the right to bring forward without notice—at least another matter. I hope that is not necessary. I know staff has been working to come up with a finite list of amendments. I hope that can be done very quickly.

People have the right to know what the schedule is, and I have done my best to outline what the schedule is going to be in the next 24 hours. I hope we can move toward some finality in that regard.

HEALTH CARE REFORM

Mr. REID. Mr. President, I also remind everyone that we are in the process of coming up with a bill we will send from the Senate to the Congressional Budget Office. It is so important that we move forward on this legislation. Health care is vitally important to this country.

Every Thursday when we are in session, Senator ENSIGN and I have a Welcome to Washington Breakfast, and it is very good. We have been doing this for 9 years. Today we had the Principal of the Year, from Frank Lamping Elementary School, grades 1 through 5. Principal of the Year—that is really significant. We have well more than

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

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400,000 students in Nevada, and to think they selected that man as the Principal of the Year is quite an honor. The principal is Michael O'Dowd. We had a longtime retired judge with whom I practiced law in the same community for a number of years, Gerry Hardcastle.

But the reason I mention this, there was a man there who introduced me to his son—a good-looking young man. His father was there to tell me about a new treatment they have developed for congenital clubfoot. In years past, the only way to handle that situation was with surgery. Now they have a new method. He had his boy there. His boy plays basketball. His boy can do anything he wants. And they have done this with no surgery. They now have new treatment for this. It is not surgical. In other countries, people spend the rest of their lives with their feet upside down unless there is surgery, and it is so difficult to do. So that is why health care is important.

This is one minor example of how we are advancing in health care, and we have to make sure health care is affordable to the American people. Our health care costs are more than 2½ times that of Japan. Yet the health care is not as good here as in Japan.

I look forward to sending that bill on to the Congressional Budget Office. I had spoken to the Republican leader yesterday. We are going to make sure Senators have plenty of opportunity to look at this bill once we get it back. We are concerned about quality, not quantity—well, we are interested in quality, not how fast we can move this. We want to move it as quickly as we can, as expeditiously as we can, but we want to do it as well as we can. So I look forward to working with the Republican leader to have a good debate on this matter and have health care for all Americans.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the 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 majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that our time for morning business not start until the quorum is called off.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I appreciate sharing the floor with the senior Senator from Minnesota, Ms. KLOBUCHAR.

I come to the floor regularly and share letters from voters and constituents and citizens around my State, around Ohio, people from Kent and Warren and Mansfield and Zanesville and Chillicothe. We all get these letters. I know the Acting President pro tempore gets them from Arkansas and Senator KLOBUCHAR gets them from Minnesota—letters from people who generally, 2 years ago, a year ago, if you asked them, they would have said they were satisfied with their insurance, but then something happened: They had a child born with an illness and the insurance company cut them off because the child had a preexisting condition or someone got very sick, they thought they had good insurance, but the insurance company canceled them because the cost was so high for their illness. A lot of these letters also come from people who lost their job. They are 59, 60, 61 years old, and they pray to God they will be able to get through the next 3, 4, 5 years until they are Medicare eligible so they will have a strong government health care plan—Medicare—to insure them the rest of their lives, so they can get the kind of health care they, as American citizens, should be entitled to.

So let me share three or four letters, and then I will turn the floor over to Senator KLOBUCHAR.

Allison from Hamilton County, in southwest Ohio, the Cincinnati area, writes:

> In June, I was taken to the hospital for suspected Ruptured appendix. I was admitted and stayed for 24 hours. Currently, my hospital expenses are at $9000. Each day it seems like another bill comes to my home.
>
> Last year, I had a part time job while going to school full-time and earned $7000. I completed my coursework and began looking for full time work last month in this tough economy.
>
> I believe that the health care program being discussed will help families like mine.

Allison is exactly right. Think about this. This woman was in college. She was working. She is doing everything we ask in this country. She was in college full time. She was working a part-time job. She was working hard. She lost her insurance. She does not have insurance because of her age. So what is going to happen to her? She is going to face a workplace that is not very embracing right now, with not a lot of opportunity, and have these kinds of costs already piling up—possibly student loans also.

What our bill will do is simply say that anybody can stay in their parent's health plan up to the age of 26. That will make a difference for people such as Allison.

Greg from Shelby County, in western Ohio, the Sidney area of the State, writes:

> Please keep up the fight for healthcare reform. We have a 23-year-old daughter who just graduated from college and has been consistently denied health insurance because of a pre-existing condition.
>
> Her condition only requires maintenance medication but she is evidently considered ''too much of a risk'' to insure.
>
> We know that if opponents of health reform had a loved one being denied health insurance they [might] not be so against it.
>
> Please, please keep fighting and make sure to adopt legislation to get coverage for all Americans.

Greg and his daughter are victims again of a system that is malfunctioning. Too many times, in too many cases, people who thought they had decent insurance—their daughter is 23. She cannot stay on her parent's plan because of that. Our bill will allow her to. Our bill will give his daughter the opportunity to go into the insurance exchange—to pick Aetna or Blue Cross or WellPoint or another insurance company or pick a public option—a public option—that will keep the insurance companies honest, that will compete with the insurance companies and help bring costs down.

There are two more letters. I have a letter from Stephanie from Cincinnati. I will tell her story quickly.

Stephanie traveled all the way from Ohio, along with six other families from around the country, to talk about their health care stories. They are speaking for millions of Americans who can't obtain health insurance or who have coverage but still can't get needed medical services. Stephanie's parents were in an accident that cost her mother her life and left her father in intensive care for 5 weeks. Stephanie had to battle insurance companies constantly to get her father vital treatments for his injuries so he could walk again.

Stephanie's message is simple. She said: I and every other American are not simply claims to be denied.

Think about that. Your mother is killed in a car accident. Your father is in intensive care. What are you doing? You are fighting with insurance companies to cover your father's medical care. What kind of system does that?

Insurance companies don't want to insure you when you are sick. If you are going to be too expensive, they find reasons to deny you care: preexisting condition, discrimination based on disability or gender or age or geography. They don't want to cover you if you are sick, but if you get insurance, then they work to try to deny your claim.

Thirty percent of claims in this country are denied in the first round—30 percent. Some of them get undenied. Some of them get accepted and paid. But the sick person or the sick person's family has to get on the phone day after day and fight with the insurance

company and cajole and argue and call their State legislator and call their Congressman and push the insurance company to do the right thing. What does that do? If you are suffering from breast cancer and you have to deal with your illness and all those issues and you have to deal with an insurance company, what kind of health care system is that?

The last letter I will read, and then turn the floor over to Senator KLOBUCHAR, is from Dan from Butler County, just north of Cincinnati. Dan writes:

> I am 47 years old. My wife and I are among the working poor in this country. We live in a very modest home with typical household expenses: A car, a school loan, a few thousand dollars of credit, and other bills. But starting in 2010, our health care expenses will nearly equal our monthly mortgage payments.
>
> I have been diabetic since age 4. Twenty years ago I got a kidney transplant. But today, I can't pay for the increased health premiums my insurance company charges me. I can't pay the doctor bills and keep my house and my car at the same time. It will eventually come down to not seeing a doctor or not taking my medication in order to keep my house.
>
> Had I known before that getting a kidney transplant in 1988 would be a preexisting condition today, I would have declined it and not put the financial burden on my parents, myself, and my wife.

So here is a gentleman in Middletown, Hamilton, in that area of Ohio. Dan works every day, working poor, making $10, $12 an hour, barely making it, working hard every day. He has to make a choice: house payment, medication, insurance payment. He can't do all three. Maybe he can't even do two of those. When somebody is working that hard and playing by the rules and doing what we ask of them in this country, which is to work hard, raise your kids, go to school, contribute to your community, Dan doesn't have that opportunity because of what has happened to health care costs.

Our bill will help people such as Dan. If he doesn't have insurance or he can't afford that insurance, he can go into an insurance exchange, choose a menu of plans: CIGNA or Aetna or WellPoint or he can choose the public option, which will mean no more preexisting condition, no more denial of care, no more limits if you get sick and it gets expensive. It will keep the insurance companies honest, allow them to compete, and bring the prices down. That is why the public option will make this health care bill even better than it would be otherwise. It is the least we can do. It is what we have to do for our Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I think the Republican leader is here and he will go before me.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, I thank my friend from Minnesota for giving me an opportunity to make my opening remarks. I appreciate it very much.

TRIBUTE TO DAN INOUYE

Mr. MCCONNELL. Mr. President, it is a pleasure for me to call attention to someone who rarely calls attention to himself. Today, our friend, Senator INOUYE, reaches a very lofty milestone, and we honor him for his achievement. It is an opportunity to call attention not only to his dedication to the people of Hawaii but also to a remarkable American story.

Senator INOUYE was only 17 when he heard the sirens over Honolulu and saw the gray planes flying overhead, but he was old enough to know nothing would be the same. At the time, he dreamed of being a surgeon. A few years later, a medic would be taking care of him after his heroic actions in the Italian mountains, for which he would later receive our Nation's most prestigious award for military valor.

DAN INOUYE's dream of being a surgeon was not realized. There were other things in store. Instead, he became a member of one of the most decorated U.S. military units in American history and one of our Nation's longest serving and finest Senators.

We are periodically reminded of Senator INOUYE's deep commitment to service, such as earlier this month when he traveled to Afghanistan and Pakistan to check in on our troops and ensure their well-being. It was an arduous journey for anyone, let alone a Senator who has served so long.

Senator, thank you for your service and for your example and congratulations on your achievement.

MEDICARE CUTS

Mr. MCCONNELL. Mr. President, at the moment, the final details of the Democratic health care plan are largely unknown to the American people. That is because those details are being worked out in private by a handful of senior Democrats and White House officials, but we do know the basics.

The Democratic bill will be about 1,500 pages long, it will cost $1 trillion, it will raise insurance premiums and taxes, and it will slash Medicare for seniors by about $½ trillion over the next 10 years. This much we know.

We also know where some of these cuts will be made. More than $120 billion in Medicare cuts for hospitals that care for seniors; more than $130 billion in cuts to Medicare Advantage, a program for seniors; more than $40 billion in cuts to home health agencies; and nearly $8 billion in cuts to hospice care. These are major cuts with serious consequences.

Just yesterday I heard about some of these consequences when I met with a group that represents hospices across Kentucky, including Phillip Marshall, from my hometown of Louisville, who explained the situation. He told me these vital facilities depend on Medicare for most of their costs and that they make up most of the rest through charitable giving and through the generosity of many dedicated volunteers. He also told me he has been following the debate in Congress, and he is concerned the proposed cuts he is hearing about would have a serious effect on hospice care. He is not alone.

Last month, I received a letter from Brandy Cantor with the Kentucky Association of Hospice and Palliative Care. She told me about the tremendous emotional and spiritual support hospice care workers provide each year to thousands of Kentuckians at the end of their lives, and she also told me that the cuts to these programs would have a devastating effect on the good work these facilities do.

I got another letter last month from a Kentucky nurse named Victoria Scarborough. She started out by telling me she supports health care reform, as we all do, and she wrote, with evident pride, about the excellent care the caring people who work in her facility are able to provide. To prove it, she related some of the comments she has received from patients. One hospice patient wrote that she didn't know what she would have done without hospice. Another said she had been treated ''with the utmost care, love, and concern.''

This is the kind of care everyone deserves and which we all hope our loved ones would receive during a serious illness. But according to Ms. Scarborough, the hospice cuts currently being proposed would have a serious adverse effect on care.

I know the bill writers support the compassionate work that is provided by hospice care across the country. By mentioning these letters, I don't mean to imply otherwise. But I do believe we need to be aware of how these cuts will affect real people, and these are just the cuts to hospice care, which represent only a fraction of the cuts that are being proposed.

Some of my colleagues will speak today about the dangers of these Medicare cuts. They will also talk, as I have many times, about the wrongheadedness of using Medicare as a piggy bank to fund a further expansion of government health care. We need to strengthen Medicare and preserve it for today's seniors and future generations, not slash it to create more programs that are bound to have the same fiscal problems Medicare, Medicaid, and Social Security already have.

I understand the problem of the bill writers. It is not easy to raise $1 trillion, particularly at a time when Americans are clamoring for a reduction of our record deficits and ballooning debt, but slashing Medicare is not the way to go.

Republicans have suggested another way, and that is commonsense, step-

by-step reforms that address the problems at hand without raising premiums, raising taxes or cutting Medicare. Unfortunately, those proposals have been rejected.

As a result, the threat of these massive cuts to Medicare remains. This is not the kind of health care reform America's seniors bargained for.

I yield the floor.

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

FOOD SAFETY

Ms. KLOBUCHAR. Mr. President, today the Senate Health, Education, Labor, and Pensions Committee is holding a hearing to discuss the need to reform our Nation's outdated, underfunded, and overwhelmed food safety system. The focus, of course, in Washington right now is on health care. I truly believe we need to get a health care reform bill passed, and I will speak at another time about Medicare costs which the Republican leader addressed. It is my view that if we don't do anything to reform Medicare, we all know it is going in the red by 2017. We all know that if we continue the path we are following—if we don't bring higher quality standards into Medicare at lower costs—that is not good for anyone. It is certainly not good for our seniors. So based on my health care experience in my State and knowing what our State needs, we want to have that high-quality, low-cost focus, and that is what we are working to do on this bill.

Today, I am here on another health matter; that is, the health of our food safety system. The hearing today and recent actions by the administration are good steps forward to ensure the safety of our food supply, but more must be done. The time to act is now. Why is the time to act now? Well, look at what has been going on.

In the past few months, the recalls of peanut products, spinach, and cookie dough have shaken our confidence and trust in the food we eat. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year.

Last fall, hundreds of people across the country fell ill from salmonella. In this case, the source was finally traced to a peanut processing plant in Georgia. In the meantime, nine people died from salmonella poisoning, including three people in my home State, the State of Minnesota.

The first responsibility of government is to protect its citizens. As Members of Congress, we must act quickly to pass tough new laws to strengthen our food system to ensure the health and safety of the American people. Americans spend more than $1 trillion on food every year, and when families go to the grocery store or out to eat or wherever they are going to get a bite to eat, they shouldn't have to worry about getting sick from the food they eat.

I have joined with a bipartisan group of Senators to introduce the Food Safety Modernization Act of 2009, which would overhaul the Federal Government's food safety program. Other cosponsors include DICK DURBIN, JUDD GREGG, RICHARD BURR, CHRIS DODD, LAMAR ALEXANDER, and SAXBY CHAMBLISS. I wish to particularly thank Senator DURBIN for his longtime leadership on this issue.

Whenever contaminated food is allowed to reach consumers, public trust in the integrity of our food supply and the effectiveness of our government is undermined. Think about it. The three people who died in Minnesota, one was an elderly woman at a nursing home. She was in perfectly good shape. She had a little piece of toast with peanut butter. That was it, a little piece of toast with peanut butter. In talking to her son, I learned so much about her and what a courageous woman she was. She ate one piece of toast with peanut butter.

This bill will give the Food and Drug Administration the tools and authority for better inspections and a more responsive recall system. The bill will also improve our capacity to prevent foodborne outbreaks by helping food companies develop a national strategy to protect our food supply and allow the FDA greater access to facility records in a food safety emergency.

Currently, the FDA does not have the resources to conduct annual inspections at the more than 150,000 food processing plants and warehouses in the country. Our bill requires annual inspections at facilities that pose the greatest risk to the American public and will go a long way toward ensuring the protection of our Nation's food supply. Think of it. Something such as a peanut butter facility, they don't think they are ever going to be inspected, no one is going to be looking, so they don't have that incentive every year to improve their food processing capability. They don't have that incentive. They don't worry that anyone is watching over their shoulder because they are not.

This bill also takes steps to improve our capacity to detect and respond to foodborne illness outbreaks, but I believe there is still more that can and should be done. That is why, along with Senator CHAMBLISS, I have introduced the Food Safety Rapid Response Act.

This legislation focuses on the Centers for Disease Control, as well as State and local capability for responding to foodborne illnesses. The recent outbreaks demonstrate that there needs to be better coordination when responding to a food safety crisis. This legislation seeks to make these much needed improvements.

In the case of both the jalapeno pepper outbreak last year and the peanut butter outbreak earlier this year, people had been getting sick for months before an advisory was issued. The breakthrough in identifying the sources of contamination didn't come from the Centers for Disease Control. Neither did the jalapeño pepper case, identified first as tomatoes, or the peanut butter case. It didn't come from the CDC or from the FDA, and it didn't come from the National Institutes of Health.

The breakthrough in both outbreaks came from the work of the Minnesota Department of Health and the Minnesota Department of Agriculture, as well as collaborative efforts with the University of Minnesota School of Public Health. This initiative has earned a remarkable national reputation.

The Food Safety Response Act uses the exceptional work done in Minnesota as a national model for food safety. Why does someone have to get sick or die in Minnesota before a national outbreak is solved? They have a team of graduate students who work together under the supervision of the university and the department of health. They, together, figure out what is wrong. They make the calls together. They are like food detectives. Some people have called them ''team diarrhea.'' They figure out what is wrong, what goes on in other States. Sometimes a report in an individual county sits on a busy nurse's desk and they don't follow up on it for weeks and we are never able to piece together that information that figures out and solves the source of the outbreak.

This bill would direct the CDC to enhance their foodborne surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne systems, including better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public.

Second, it would direct the CDC to work with State-level agencies to improve foodborne illness surveillance.

Finally, this legislation would establish food safety centers of excellence. The goal is to set up regional food safety centers at select public health departments and higher education institutions. These collaborations would provide increased resources, training, and coordination for State and local officials. In particular, they would seek to distribute food safety ''best practices'' so other States can figure out how they can do this better so every food outbreak doesn't need to have someone get sick or die in Minnesota before it gets solved.

Think about it. The two recent food outbreaks only got solved in one State. We have to use that model nationally.

Dr. Osterholm, at the University of Minnesota, is a national food safety expert and is credited with the creation of the Minnesota program. He said the

creation of regional programs modeled on Minnesota ''would go a long way to providing precisely the real-time support for outbreak investigations at the State and local levels that is sorely needed.''

At today's hearing, the Food Marketing Institute stated that the Food Safety Response Act would ''better coordinate foodborne illness surveillance systems and better support State laboratories in outbreak investigations with needed expertise.''

In Minnesota, we also have the benefit of working with strong leaders in the food industry, including SuperValu, Hormel, General Mills, and Schwann's. Their leadership has helped set national standards for food safety and response to foodborne outbreaks. Public and private collaboration is essential to improving our food safety response system.

The annual costs of medical care, lost productivity, and premature death due to foodborne illness is estimated to be $44 billion. There is a lot at stake—both in terms of life and money. I believe we can do better.

As a former prosecutor, I have always believed the first responsibility of a government is to protect its citizens. When people get sick or die from contaminated food, the government must take aggressive and immediate action.

Congress must improve the FDA and bring it into the 21st century. I believe, together, the Food Safety Rapid Response Act and Food Safety Modernization Act, which I have introduced with Senator CHAMBLISS, will strengthen food safety in our country and ultimately save both lives and money. We owe it to the American people to act quickly and pass this legislation.

Mr. President, I yield the floor.

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

MEDICARE PHYSICIAN FAIRNESS ACT

Ms. MIKULSKI. Mr. President, I am here today to speak on legislation on which we had a cloture vote last night, the Medicare Physician Fairness Act.

I am here to express my disappointment and frustration that we did not vote through a parliamentary procedure so we could debate the issue of what is facing physicians who provide treatment to Medicare patients.

Under the current situation, American doctors will face a 21.5-percent payment reduction in what they get from Medicare when they treat Medicare patients. I think this is outrageous. Right now, we have people who took TARP money and they are acting like twerps.

What they did is take the money. They don't lend the money, but they sure give themselves money with lavish compensation and bonuses. At the same time, every single day, 24/7, there are doctors on the front line saving lives, improving lives, and having people count on them. I am very sorry they chose over a budget debate to vote to take it out on doctors. We have to treat our doctors fairly for what they do and the sacrifices they make to do the job they do.

This is a 21.5-percent payment reduction. Imagine that. Imagine if we had to take a 21-percent pay cut. Do you think we would have not voted for cloture? I don't think so. We are forcing doctors to maybe close their doors to seniors, denying people access to the doctors they need and the doctors they should have. We cannot let this happen.

Every day, we ask the doctors treating our Medicare population to be unstinting in what they do. Then, when it turns around, the government is stingy. I think that is a double standard. We ask the people who provide the hands-on services to be unstinting. Yet when it comes to paying them for what they do, we are pretty stingy. This is unacceptable.

As I said, we ask so much of our doctors. They need to be skilled, smart, empathetic, and they need to be available 24/7. We ask them to have the scientific understanding of a Nobel Prize winner and the patience and compassion of Mother Teresa. Our doctors assume tremendous responsibility for life, the risk and accountability for making the right diagnosis, the right treatment, which is tailored for each unique patient. They follow us all the way through when something happens to us or comes up in our lives.

Our doctors look out for the aging population in our country. When people get older, they have multiple problems, and sometimes the very treatments contradict each other, requiring tremendous scientific skill and collaboration. When they treat older people, they need to take time to tell their story, their narrative. They don't go in just with a list of complaints.

I have heard my Medicare constituents say time and time again: I don't know what I would do without my doctor. Our doctors are always there for us, but are we there for them? Look at what they face.

First of all, in many instances, they are the first responders. They are there dealing with disease, trauma, and even death. For all the work they do while they are trying to work with patients, they have to face a health care bureaucracy—public and private. What is the one thing the public and the private programs have in common? They have a bureaucracy.

Doctors tell me when they came into medicine, it was to make a difference in patients' lives. But what do they run into? Hassle factors, complicated administrative forms, preapprovals, and skimpy and spartan reimbursements, whether it is from private insurance or Medicare.

In this country, we need to start focusing on value care, not volume care. Patients are grateful to their doctors, but Medicare reimbursement is important. All this work and this training is not rewarded for what doctors have to do. They have to work with a whole team of nurses, social workers, pharmacists, and integrative health professionals. One of the things we should do is make sure they are paid fairly. For health professionals—that entire team I talked about—their career is their calling.

Mr. President, I am going to share a personal anecdote on why I feel so strongly about this—not only because I chair the Subcommittee on Aging, and not only because I have tried to be a champion for the older population throughout my public career. In July, I took a fall coming out of church after Mass. I broke my ankle in three places on that Sunday afternoon. I was in absolute shock. As I tried to figure out what I would do, some of the people from church came to my rescue, and I was able to contact my primary care doctor. I had an ambulance there pretty quickly and was taken to a downtown urban hospital—Mercy Hospital. It truly, in every way, exemplifies the quality of mercy that comes like a gentle drop.

On my way there, and what happened to me as I went into the ER—that emergency room was like what we see on TV, only this was no miniseries; this was real life. The doctors at the hospital talked to me, and I spent time working with them as they treated me, got me through what I needed to do. I was met by the ER doctor. I had x-rays; there was a radiologist there. There was my primary care doctor on the phone. There was a gifted and talented orthopedic surgeon, who left his family at a cookout because the call of duty came, and he raced to be there. Was it for Senator Barb? No. The people in the ER were doing the same thing for everybody.

As I waited a few days for the swelling to go down, I had surgery which involved the anesthesiologist. I could go on and on.

When I look at all of the doctors who cared for me that day and in subsequent weeks—the ER doctor, the radiologist, the anesthesiologist, the orthopedic surgeon, my primary care doctor, and the cardiologist—they were wonderful people at my side. They were people who graduated from college, who then had gone to medical school, at considerable stress and cost. They had gone through sophisticated residency programs, and some even fellowships. They also participate in ongoing continuing medical education requirements. But they do it not because it is required but because they want to be tops in their field.

For all of that work and the responsibility they assume, we have to be able to reimburse them. Mr. President, I have seen the health care system from the wheelchair up. I have seen people who provide the health care, and I have been in rooms getting physical therapy with others who also need care. One of the things they are absolutely clear

about is we need to look out for the people who take care of us as they look out for us.

Today I am asking that we recognize the doctors for all that we ask of them—the knowledge they need, the risk they undertake, the high cost of their education, spending 12 years in training, being on call 24/7, often being rushed from their families when they want to spend time with them. I ask that we recognize those doctors by compensating them justly and fairly and not treating them like a commodity. We also need to do that for the nurses, social workers, physical and occupational therapists, integrative health people, and many others.

If we don't pass this Medicare Physician Fairness Act, we have real problems. Failing to pass this bill is not an option. I think we need to do the right thing by the doctors, and I think we need to do the right thing by the people who need the doctors.

Let's do the right thing and pass the Medicare Physician Fairness Act.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, is now the time to begin the Republican part of morning business?

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

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, first impressions are important. Depending on one's age, we remember different things. When I was a young teenager, the first college football game was broadcast on a television network. It was Tennessee versus Alabama with Lindsey Nelson, who had gone to Tennessee, and Mel Allen, who had gone to the University of Alabama, as the announcers. There have been a lot of good football games since that time, but everyone remembers the first broadcast.

I can remember the first one-hour evening news program. I think it was ''Huntley-Brinkley'' on NBC. There have been a lot of distinguished newscasters before and since, but that was the first one-hour news program with two anchors.

I can remember watching basketball games and getting a glimpse of a coach and forming an impression of the whole university from a short glimpse. An experience we've all had is meeting someone for the first time and getting a first impression that is usually a fairly accurate impression of that person. It usually lasts a long time, and it is hard to get over a first impression.

Yesterday was the first vote on health care reform. I think the American people got a very strong first impression from that vote. What the majority leader, the Democratic leader, sought to do was add $¼ trillion to the national debt on the first health care vote. The Senate said: No, we are not going to do that, even for a worthy cause, which in this case was fixing the doctors reimbursement procedure; which the Senator from Maryland just discussed and which we all agree needs to be attended to. But the Senate—all 40 Republicans, and 13 Democrats—said no, we are not going to start by adding $¼ trillion to the national debt on the first vote of health care reform. Especially not at a time when we just finished a year which added $1.4 trillion to the national debt, three times as much as the year before, and as much as we added to the entire national debt in the first 200 years of the Republic.

People are very worried about the growth of the debt, and that was reflected yesterday in the first vote on health care reform. I think that reminds us of the importance of reading the bill and knowing what it costs. That also is a bipartisan approach here. All the Republicans have said we want to be able to read the bill and know what it costs before we start voting. And even though Senator BUNNING's amendment, which would have allowed this, was voted down in the Finance Committee by Democrats, eight Democratic Senators wrote the Democratic leader and said: We agree; put the bill on the Internet, the complete text, for 72 hours and let's have a formal calculation of exactly what it costs before our first vote.

We had a first vote yesterday, even before we have a complete bill. Because we had a chance to read this one provision and time to think about it, we came to the right conclusion and voted it down.

In the next several months of discussion there will be many other issues such as this about how we reform health care. My view—and I think the view of most Republicans and I believe most Americans—is to reduce costs. We have to reduce the cost of health care to our government, otherwise it is going to go broke.

The President hosted a summit on entitlement spending early in the year which I was invited to it. I appreciated receiving the invitation and I attended the summit. Everybody there said if we do not control health care spending, we are going to go broke as a government. Then millions of Americans are saying: I cannot afford my own health care; 250 million of us have a health care premium we pay or someone helps us pay or some combination, and it is too expensive for individuals and for small businesses. So our goal is to reduce the cost of health care to government and reduce the cost of health care to Americans. Yet our first vote yesterday was to increase the debt, and we said no.

Let's read this bill as it comes to us. Right now it is being written behind closed doors in the majority leader's office. With such a controversial issue I am not sure that is the best way to go about writing this bill. Usually it helps to have bipartisan support in the Congress, even if you have big majorities, so that you can get broad bipartisan support in the country any time you have a complex issue.

When I was a young Senate aide in 1968, we had a very controversial issue before the Senate called the civil rights bill. Lyndon Johnson was President of the United States, and Everett Dirksen was the Republican leader sitting over where MITCH MCCONNELL sits today. The Democratic majorities were bigger than they are today. President Johnson did not have the Democratic leader write the civil rights bill in a closed room in the Democratic leader's office. What did he do instead? He was very wise. He had it written in the Republican leader's office.

So in Senator Everett Dirksen's office for several weeks in 1968, I recall, the bill was written in the full light of day, with Senators, staff members, and hangers-on going in and out. In the end, the bill—more difficult than this health care bill—passed. Senator Dirksen, the Republican leader, got some of the credit. He deserved it. President Johnson got what he wanted. And the country supported it because it saw, looking at Washington, DC, a broad level of support and they felt better about that.

I don't think people are going to feel as good about a bill that restructures one-sixth of our economy, that affects every single American's health, and the health care bill is being written behind closed doors, in the Democratic leader's office. We will see. But at least whatever emerges, we want to read the bill. We want the American people to be able to read the bill. And we want to know exactly what it costs before we go ahead.

For example, what is it going to do to Medicare? The Republican leader has talked about that issue. If the concept paper is any indication we know what it is going to do to Medicare. It is going to cut Medicare by $½ trillion to pay for a new entitlement program.

Some of my friends on the other side say: You are scaring seniors when you say that. It may be scaring seniors, but it is the truth. This bill, when implemented, is going to cost $1.8 trillion and $½ trillion is going to come from Medicare cuts. We are going to be cutting grandma's Medicare to spend on somebody other than grandma—a new entitlement program.

We are doing that at a time when the Medicare Program, the program that serves more than 40 million older Americans, is going broke. We need to be careful in the Senate not to overstate issues. So let's not take my word for it. The Medicare trustees say that the Medicare Program, upon which more than 40 million seniors rely, is going to run out of money between 2015 and 2017. That is not too far away. The

Medicare trustees—it is their job to watch out for these things—said:

We need timely and effective action to address Medicare financial challenges.

I think what they are saying to us is if you are going to cut grandma's Medicare, you ought to at least spend it on grandma instead of spending it on somebody else. That is basically what we are doing. We are cutting Medicare $500 billion, and instead of spending it to strengthen the Medicare Program, the proposal is to spend it to create a new entitlement program.

What are the cuts? Nearly $140 billion in Medicare Advantage; $150 billion in cuts for hospitals that care for seniors; $40 billion for home health agencies; and $8 billion from hospices.

The President said that people who are currently signed up for Medicare Advantage are going to have Medicare at the same level of benefits. That is why we need to read the bill and know what it costs because something has been lost in translation between what the President said and what appears to actually be in the bill. The Director of the Congressional Budget Office, the nonpartisan Congressional Budget Office, said in testimony that fully half of the benefits currently provided to seniors under Medicare Advantage would disappear in the Baucus proposal. The same Baucus proposal which is being amended and written and merged with other bills behind closed doors in the Democratic leader's office. The head of the Congressional Budget Office said the changes would reduce extra benefits such as dental, vision, hearing coverage, that would be available to beneficiaries. Humana advised its customers who are Medicare Advantage beneficiaries that their benefits would be cut, causing the Obama administration to put a gag order on this large health care organization.

I made a little speech on the floor yesterday talking about the dangers of developing an enemies list, of boycotting television networks, of calling out Senators with whom you disagree, taking the names of bondholders who do not go along with the General Motors or Chrysler bailout, threatening an insurance company for switching from supporting your proposal to opposing your proposal or a large health care company that tells its customers the truth—your Medicare Advantage is going to be cut.

Another reason to read the bill is the provision that will make additional cuts to Medicare above and beyond the $500 billion that is specified. At least that is the assumption of the Congressional Budget Office when it looked over the bill and said that it was in balance, which it has turned out not to be.

The Congressional Budget Office assumed that a Medicare commission would make even more Medicare cuts. Those do not seem to be realistic assumptions. We have had a provision in law since 2003 that would provide an automatic mechanism for making Medicare cuts. Nobody has ever wanted to use it.

We saw what happened yesterday, recognizing that it was unrealistic to expect that doctors would take a 21-percent cut in their pay in a year. The Democratic leader tried to borrow $¼ trillion to try to take care of that problem.

If we read the bill and now what it costs we find out that either doctors are going to pay for a big part of this new Medicare Program or seniors are going to pay for a big part of it or our grandchildren are going to pay for a big part of it by increasing the debt. The Washington Post said this was a shell game.

I think the lesson here is first impressions count. We got a good first impression yesterday of the direction of this health care bill. The proposal was: Let's borrow $¼ trillion, and the Senate, in a bipartisan way, said: We are not going to do that, no. That was the correct vote.

Now we see another reason to read the bill is because we want to make sure we know what it does to Medicare. What we have seen so far is that it will cut grandma's Medicare by $½ trillion, not to spend on grandma but to spend on some somebody else, even though the Medicare Program, its trustees say, will go broke in the year 2015 to the year 2017. That is one more good reason not just to read the bill but to start over in this health care reform.

We have been saying on the Republican side for months that we should not be trying to do this comprehensive, full-of-surprises, trillion-dollar health care reform, that restructures one-sixth of our economy, in the middle of the greatest recession we have had since the 1930s. We should focus instead on reducing the costs of health care to the government and to Americans who pay for premiums, and go step by step to re-earn the trust of the American people to reduce costs. We suggested how to do that. We would start by allowing small businesses to come together, pool their resources, and offer insurance to their employees. It has been estimated that would produce at least coverage for 1 million more Americans and probably many million more Americans.

Second, we have suggested saving money by reducing the number of junk lawsuits against doctors which drive up the cost of health care.

Third, we have suggested allowing insurance to be sold across State lines. That creates more competition that should reduce costs.

We have suggested creating health insurance exchanges—many of our Democratic friends agree with that—to make it easier to shop for health care. We have suggested enrolling individuals in existing programs. There are up to 11 million people who are already eligible for programs that we now have, and that is one way to add people without increasing cost in a huge way, or creating a great new program. We have suggested incentivizing health care technology, changing tax incentives, and expanding health savings accounts. These are steps we can take to reduce costs.

It appears many of the American people agree with that Republican strategy. A new Gallup poll out yesterday said that 58 percent of Americans would generally prefer to see Congress deal with health care reform on a gradual basis—over several years—rather than to try to pass a comprehensive health care reform bill this year.

So first impressions count.

The health care debate was defined yesterday by the attempt to borrow $¼ trillion to add to the debt. I am glad it failed. The health care debate, as the President himself said, is actually a proxy for a larger debate about the role of our Federal Government in American life. Increasingly, Americans are skeptical of this comprehensive trillion-dollar-plus, full-of-surprises proposal that is being written in the back room approach. Instead they hope we will focus clearly on reducing the cost of health care premiums, reducing the cost to our government, and then going step by step in the right direction to make health care affordable for all Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. KIRK). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank again my colleague from Tennessee for the great work he has been doing on the issue of health care and the many other leadership issues. There are a lot of things going on. There are a lot of moving parts in the health care reform debate situation.

I would like for us, however, to maybe pause and look back for a second as to what we heard and what has actually been going on. First, we heard the President say that if you like the insurance you have, you can keep it, period. Increasing mandates on employers, who today have difficulty affording health care coverage, and cutting Medicare by $500 billion will ensure that millions of Americans will not be able to keep the coverage they have today. CBO and common sense tell us this. According to CBO, 3 million fewer Americans will be covered under employer health plans; and further, millions of seniors may lose the Medicare plan they have and that they want to keep. That is called Medicare Advantage.

We also heard the President say that he won't support legislation that increases the deficit one dime. We now know that is not true. We saw yesterday an attempt at incredible gimmickry to do away with $247 billion worth of debt that would have been associated with health care. Obviously, it is a way to get around the $¼ trillion increase in the cost of health care that would have accrued if we had kept doing what we are doing. We all know that the true implementation cost of

the proposal in the Senate Finance Committee is $1.8 trillion, once you look at the real numbers.

One of the more entertaining aspects of the protestations of cost savings is the approach that all of these bills take to medical malpractice reform. There is none. There is none. Before the joint session of Congress several weeks ago the President even referenced a grand initiative, that he was going to support medical malpractice reform. Consequently, we found out the announcement was that the administration was going to—get this; I am not making it up—the President was going to accept grant applications for demonstration programs. I say to the President and to my colleagues, there are already demonstration programs: One is called Texas and the other is called California. They have enacted medical malpractice reform and it has saved incredible amounts of money. CBO now estimates that real medical malpractice reforms can save the health care system $54 billion over the next 10 years. Real medical malpractice reform can save as much as $200 billion.

My favorite example so far—and then we politicians wonder sometimes why the American people are a little cynical about the things we promise and the things we commit to during political campaigns; that we are going to do A, B and C and you can count on it, et cetera. My favorite so far is when the President was running for office. Three months before he was elected, President Obama vowed not only to reform health care but also to pass the legislation in an unprecedented way. He said:

> I'm going to have all the negotiations around a big table.

He said that at an appearance in Chester, VA, repeating an assertion he had made many times. In referring to the debate on health care, he said the discussions would be—

> . . . televised on C–SPAN, so that people can see who is making arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

Well, maybe the administration and the majority leader don't know where the C–SPAN cameras are. I can get them outside of Senator REID's office at a moment's notice. In fact, they are televising this. I want to repeat what the President of the United States promised the American people specifically on health care reform. He said the discussions would be—

> . . . televised on C–SPAN, so that people can see who is making the arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

It might be a little late for the drug companies. They have already cut a sweetheart deal with the drug companies. They have agreed to oppose importation of drugs from Canada and oppose competition amongst drug companies for Medicare patient recipients in return for some $80 billion in supposed savings over 10 years, and $100-some million worth of advertising by the drug companies in favor of health care reform. I am not making it up.

President Obama also said he didn't want to be—

> . . . negotiating behind closed doors but bringing all parties together and broadcasting those negotiations on C–SPAN so the American people can see what the choices are. Because, part of what we have to do is enlist the American people in this process.

The last I saw, they were trying to enlist the AMA by doing a $247 billion unpaid for deal so that they could buy their support. They bought the drug companies. They couldn't buy the health insurance companies, so now they are going to retaliate against them by removing their antitrust exemptions.

One thing I have to say for this administration, they know how to play hardball. They know how to play hardball. But they also don't seem to care about the commitments that the President made during his campaign for the Presidency.

I see my colleague is here—Senator BARRASSO—and he wants to speak also, but I say to my colleagues on the other side of the aisle, the American people are tired of this behind-closed-doors dealmaking, deal cutting, which none of us on this side of the aisle have had anything to do with and very few on the other side of the aisle. They are doing a multi-trillion-dollar deal which will affect the future and the lives of 300 million Americans eventually. It is not right. This process is not right.

The process they should be going through is exactly the one that the President promised the American people when he was running for President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

CLEAN AIR PROTECTION ACT

Mr. BARRASSO. Mr. President, I rise today to talk about a bill I have introduced called the Clean Air Protection Act.

Environmental Protection Agency Administrator Lisa Jackson has stated that she believes the Clean Air Act was not specifically designed to address greenhouse gases. She also says using the Clean Air Act to regulate climate change raises serious concerns.

I agree with her completely. So then what was the EPA's response to the problem? Well, they developed a tailored interpretation of the Clean Air Act where they ignore certain provisions of the law. This tailored interpretation is actually called the tailoring rule. The tailoring rule is EPA's attempt to limit the scope of the Clean Air Act—limit it to only those businesses that emit 25,000 tons of greenhouse gases. That is 100 times more than the amount of emissions that are currently allowed by law.

Saying that the EPA will only limit emissions from large businesses is not allowed under the current law—the Clean Air Act. So if you are going to use the Clean Air Act to regulate greenhouse gas emissions for American businesses, you have to use the standard that Congress has set out in the act. The EPA's approach is not legal, and I can tell you it will be challenged in court.

I alerted EPA Administrator Jackson and the EPA Assistant Administrator Regina McCarthy that special interest groups are scheming to sue the EPA. Suits will be filed if the EPA does not follow the Clean Air Act limits—sue them to capture hospitals, farms, nursing homes, commercial buildings, and any other small emitters of greenhouse gases.

I put a hold on Regina McCarthy at the time she was the nominee to be the Assistant Administrator of the EPA Office of Air and Radiation. I did this because of my concern about lawsuits if the EPA attempted to use the Clean Air Act to regulate climate change. I wanted to know what the EPA's solution to the problem would be. When asked about potential lawsuits, Regina McCarthy said that she will—

> . . . request that I be informed if any such notice is filed with regard to a small source, and I will follow up with potential litigants.

That is the EPA's solution, to sit down over a cup of coffee and ask lawyers for special interest groups not to sue. Groups know the law. They know what it says. The EPA Administrator is opening the door to environmentalists and other activists to file suit—to sue to run small businesses into the ground. Up to 1.2 million hospitals, farms, nursing homes, commercial buildings, and other small emitters could be bankrupt. The net result of all of this will be jobs lost. According to the Heritage Foundation, job losses are estimated to reach 800,000.

The solution to this problem is not to have government officials go around asking litigants not to sue; the solution is to pass legislation that takes this regulatory ticking timebomb off the table for good. That is why I have introduced legislation to fix the problem. The bill, S. 1622—the Clean Air Protection Act—takes the Clean Air Act out of the business of regulating climate change. My legislation allows car and truck regulations under the Clean Air Act to move forward, while stopping the regulation of stationary sources, such as small businesses, hospitals, farms, and nursing homes.

Given the introduction of the tailoring rule by the EPA, Congress should pass S. 1622, the Clean Air Protection Act, without delay, pass it before the regulatory ticking timebomb goes off.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. BINGAMAN. Mr. President, I rise to speak in favor of the Reid-Baucus-

Shaheen amendment to H.R. 3548, which is the unemployment benefits extension bill.

I very much regret that the majority leader has had to file a cloture motion on a motion to proceed to even consider that issue. To my mind, this should not be a partisan issue. There ought to be agreement in this body that we should proceed to extend unemployment benefits given the circumstances we face.

The job market in my home State of New Mexico is dismal, and there is very little indication of improvement expected in the near future. New Mexico's seasonally adjusted unemployment rate is modest compared to some States. It was only 7.5 percent in August of 2009, but that is up from 7 percent in July and up from 4.3 percent a year ago. The trend is definitely disturbing. The decline in the number of jobs is the worst the State has seen in more than 45 years—with the speed with which we have been losing jobs.

The pain of unemployment is being felt across the country. More than 5 million Americans have been unemployed for 6 months or more, and 2 million of these workers face the end of their unemployment benefits before the end of this year. There are up to 4,000 New Mexicans who will exhaust their unemployment benefits by December 2009. The total number of unemployed and underemployed—including those who are working two or three part-time jobs to try to make ends meet and those who have given up looking for work—approaches 17 percent of our workforce. These are not just numbers, obviously. These are real people who face each day with the dread of not knowing how they are going to pay for the groceries they need that week or their mortgage payment or their rent payment.

The stimulus funding Congress passed earlier this year has helped to slow job losses, and it has created some new jobs, especially in education and in government services more generally. New Mexico's stimulus funding, alone, is expected to create about 22,000 jobs this year. This has had a significantly positive impact on the State's unemployment picture, but it is still not enough to fully address the needs created by the economic situation in which we find ourselves. Nationwide, for every job opening, there are six applicants. I was struck by the article on the front page of the New York Times this morning entitled ''$13 an Hour? 500 Sign Up, 1 Wins a Job.'' This was datelined Burns Harbor, IN. It says:

> As soon as the job opening was posted, on the afternoon of Friday, July 10, the deluge began.
>
> C.R. England, a nationwide trucking company, needed an administrative assistant for its bustling driver training school here [in Indiana]. Responsibilities included data entry, assembling paperwork and making copies.

It goes on to quote the head of corporate recruiting. It says:

> When Stacey Ross, C.R. England's head of corporate recruiting, arrived at her desk at the company's Salt Lake City headquarters the next Monday, she found about 300 applications in the company''s e-mail inbox. And the fax machine had spit out an inch-and-a-half thick stack of resumes before running out of paper.

The article goes on to point out the estimate is there were 500 applications filed for this 1 job, a $13-an-hour job, but they took down the posting of the availability of the job.

We have a very serious problem that needs addressing. The extension of unemployment benefits will not ease the worry of the unemployed. It will not eliminate the dread they have about the need to pay bills each month. But it will make things a little bit easier for some of those individuals. Extension will make it easier, not just for the direct recipients but for the larger economy as well. Economists tell us that for every $1 in unemployment benefits the government provides, $2.15 is generated throughout the economy. These economic benefits are felt most immediately, as benefit recipients use the funds almost immediately to meet their daily needs.

The legislation the majority leader has filed, the petition to proceed to it, takes a responsible approach to providing these additional funds. The extension is paid for with an 18-month extension of the Federal unemployment tax, which has traditionally been used, both by Republicans and by Democratic administrations, for this very purpose. The extension is a responsible, well-thought-out response to the dire circumstances many Americans find themselves in today.

As I said at the beginning, this should not be a partisan issue. Unemployment is affecting everyone, regardless of their political party or their ideology. I urge the Senate to set aside partisan politics and to agree to the majority leader's request that we proceed to this bill so we can quickly provide assistance to the thousands of Americans who depend upon these benefits as they continue to search for jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, what is now the floor situation?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2647, which the clerk will report.

The assistant bill clerk read as follows:

> Conference report to accompany H.R. 2647, a bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate, equally divided and controlled between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Mr. President, the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, would fully fund the fiscal year 2010 budget request of $680 billion for national security activities in the Department of Defense and the Department of Energy. This bill is the product of months of hard work by our committee, culminating in more than 6 weeks of negotiations with our House counterparts. I thank all of the members of the Senate Armed Services Committee for the commitment they have shown to the best interests of our men and women of our Armed Forces. I want to particularly thank Senator MCCAIN, our ranking minority member, for his great work throughout the conference. It has been a real pleasure to work side-by-side with Senator MCCAIN as we worked through issues with our counterparts from the House of Representatives.

I also want to thank the chairman of the House Armed Services Committee, IKE SKELTON, and his ranking minority member, BUCK MCKEON, for the cooperative spirit with which they worked with us throughout the conference.

This conference report contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefield in Iraq and Afghanistan, make the investments we need to meet the challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would authorize a 3.4 percent across-the-board pay raise for all uniformed military personnel—a half a percent more than the budget request and the annual rate of inflation; increase the Army's active-duty end strength by nearly 30,000, and authorize an additional

30,000 increase during fiscal years 2011 and 2012, if the Secretary of Defense deems it necessary to increase dwell time and reduce the stress created by repeated deployments; authorize payment of over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel; extend the limitation on charges for inpatient care in a civilian hospital under TRICARE Standard; enhance the ability of military voters to vote by absentee ballot; increase the authorization for the Homeowners Assistance Program by almost $300 million to provide relief to homeowners in the armed forces who are required to relocate because of base closures or change of station orders; and increase the maximum amount of supplemental subsistence allowance from $500 to $1,100 per month to ensure that service members and their families do not have to be dependent on food stamps.

The conference report also includes a number of provisions to support the civilian workforce of the Department of Defense. For example, the bill contains provisions that would: provide for the application of unused sick leave toward length of service for purposes of computing a retirement annuity under the Federal Employee Retirement System; phase in locality comparability pay in place of cost of living allowances for Federal civilian employees working in Hawaii, Alaska, and other nonforeign U.S. territories, so that they are treated the same as federal employees in other States; terminate the National Security Personnel System—NSPS—and replace it with a provision that provides a series of personnel flexibilities applicable to the entire civilian workforce of the Department of Defense and an opportunity for the Secretary to propose additional flexibilities; freeze the Defense Civilian Intelligence Personnel System—DCIPS—until an independent review can be completed; and authorize the Secretary of Defense to establish a new Defense Civilian Leadership Program to help recruit, train, and retain highly qualified civilian employees to help lead the Department of Defense over the next 20 years.

The conference report also includes important funding and authorities needed to provide our troops the equipment and support that they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan. For example, the bill contains provisions that would provide $6.7 billion for the Mine Resistant Ambush Protected—MRAP—Vehicle Fund, including an increase of $1.2 billion above the President's budget request for MRAP All-Terrain Vehicles—M–ATV—which are deploying to Afghanistan; add $100 million for unfunded requirements identified by the Commander of Special Operations Command, including MC–130 airships to provide improved fire support for our ground forces in Afghanistan and Iraq; provide full funding for the Joint Improvised Explosive Device Defeat Organization—JIEDDO—to continue the development and deployment of technologies to defeat these attacks; provide nearly $7.5 billion to train and equip the Afghan National Army and the Afghan National Police, so that they can begin to carry more of the burden of defending their country against the Taliban; and authorize up to $1.3 billion for the Commanders' Emergency Response Program—CERP—in Iraq and Afghanistan for humanitarian relief and reconstruction projects that directly benefit local communities, including up to $50.0 million to support the Afghanistan National Solidarity Program to promote Afghan-led community development.

The bill would implement almost all of the budget recommendations made by the Secretary of Defense to terminate troubled programs and apply the savings to higher priority activities of the Department. For example, the bill would end production of the F–22 fighter after 187 aircraft; terminate the Air Force Combat Search and Rescue X—CSAR–X—helicopter program; terminate the VH–71 Presidential helicopter; end production of the C–17 airlifter program; cancel the manned ground vehicle portion of the Army's Future Combat Systems program, with assurances those funds will be available for the newly designed vehicle portion—ground vehicle portion; terminate the Multiple Kill Vehicle program; cancel the Kinetic Energy Interceptor and we cancel the second Airborne Laser prototype aircraft.

Finally, the bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would enhance the ability of the DOD inspector general to conduct audits and investigations by authorizing the IG to subpoena witnesses to provide testimony; improve DOD financial management by requiring the Department to engage in business process reengineering before acquiring new information technology systems and submit regular reports on its progress toward auditable financial statements; require the Department to develop a comprehensive plan to address longstanding problems in its inventory management systems, which lead it to acquire and store hundreds of millions of dollars worth of unneeded items; place a moratorium on public-private competitions under OMB Circular A–76 until the Department complies with existing statutory planning and budget requirements relevant to such competitions; and streamline and restructure DOD management positions by eliminating 22 of the 28 current Deputy Under Secretary of Defense positions and requiring the Department to develop a new organizational plan within 6 months.

The conference report incorporates two pieces of legislation from in the Senate-passed bill: the Military Commissions Act of 2009 and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

The Military Commissions Act of 2009 would replace, and dramatically improve, the procedures enacted in the Military Commissions Act of 2006. In its 2006 decision in the Hamdan case, the Supreme Court held that Common Article 3 of the Geneva Conventions applies to the Guantanamo detainees and requires that the trial of those detainees be conducted in a manner consistent with the procedures applicable in trials by courts-martial.

The Supreme Court concluded that this requirement ''is not an inflexible one; it does not preclude all departures from the procedures dictated for use by courts martial. But any departure must be tailored to the exigency that necessitates it.''

The Military Commissions Act of 2006 created a cloud over the use of military commissions because it failed to live up to that standard. The conference report would address this problem by, one, precluding the use of coerced testimony; two, limiting the use of hearsay testimony; three, establishing new procedures for handling classified information similar to procedures applicable in civilian courts; four, providing defendants with fairer access to witnesses and documentary evidence; and five, requiring the defendant to be provided with appropriate representation and adequate resources.

The Military Commissions Act of 2009 is intended to meet the standard imposed by the Supreme Court's ruling in Hamdan and should help ensure that convictions obtained through military commissions will hold up on appeal and will be perceived as fair by the American public and by the rest of the world.

I thank Senators MCCAIN and GRAHAM as well as the lawyers at the White House, the Department of Defense, and the Department of Justice, who worked with us and for the great effort they put into this provision.

The conference report incorporates the Hate Crimes Prevention Act. Similar provisions have been previously adopted by both the Senate and the House of Representatives. This legislation is intended to help deter people from being targeted for violent attacks because of race, religion, disability, gender, or sexual orientation, among other aspects. The Senate adopted the hate crimes legislation when we adopted the Defense Authorization Act, and it was kept in conference. The House of Representatives has now adopted the conference report, and so it is now hopefully going to be before us after a cloture vote.

The hate crimes legislation includes, for the first time, a provision that makes it a Federal crime to attack a member of the U.S. Armed Forces on account of his or her military service—a hate crime that is of particular interest to the armed services.

According to the FBI, the trend is up for hate crimes based on sexual orientation. There has been a 6-percent increase in such crimes in the most recent year for which statistics are available, which is the year 2006. This is a category of hate crimes that would be covered for the first time by this bill.

The language has been written to ensure it does not intrude on first amendment rights, that State and local law enforcement retain the primary jurisdiction over investigations and prosecutions.

We all know Senator Kennedy was long the Senate's leading advocate for hate crimes legislation. As he said when the Senate debated and passed this legislation in 2007:

> America has taken many steps throughout our history on a long road to becoming a more inclusive Nation, and our diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance.

The enactment of the Hate Crimes Prevention Act through this, which is the last National Defense Authorization Act in which Senator Kennedy participated in his 26 years of service on the Armed Services Committee, would be a fitting tribute to one of the truly great Senators in the history of this body.

Finally, I thank Senator LEAHY for the leadership role he has played on this issue in his capacity as chairman of the Senate Judiciary Committee.

As of today, we have almost 130,000 U.S. soldiers, sailors, airmen, and marines on the ground. Over the course of the next fiscal year, we will undertake the difficult task of drawing down these numbers—these are numbers in Iraq—while maintaining security and stability on the ground. At the same time, we have dramatically increased our forces in Afghanistan, with more than 60,000 engaged in increasingly active combat and combat-support operations, with more on the way.

This conference report includes numerous provisions that need to go into effect immediately to ensure that they benefit our troops immediately. These provisions cannot be implemented before this conference report is enacted but will go into effect, without the need for appropriations, immediately upon enactment.

They include the following in the area of compensation and benefits. The conference report includes provisions that would prevent the implementation of large increases in the copayments military retirees must pay for in-patient care at civilian hospitals under the TRICARE Program; provisions which would authorize new special compensation for caregivers of catastrophically injured servicemembers; and a provision which will increase the maximum amount of supplemental subsistence allowance to ensure servicemembers do not have to rely on food stamps to meet their nutritional needs. Those important provisions and others which I am going to now talk about will not go into effect until this conference report is enacted.

With regard to our efforts in Iraq and Afghanistan, the conference report includes provisions that will immediately go into effect without the need for appropriations.

For instance, there is a provision which would authorize the Secretary of Defense to transfer defense equipment that would otherwise be withdrawn from Iraq and transfer it to the security forces of Iraq and Afghanistan, their national forces. The use of that equipment by those national forces in Iraq and Afghanistan will assist in the transfer of security responsibilities to the Iraqi forces and the growth of the Afghan Army and police forces more quickly.

Another provision which will go into effect immediately upon enactment would allow the Secretary of Defense to use funds from the CERP in Afghanistan to pay for reintegration programs to separate local Taliban fighters from their leaders. This is a new program modeled on the Sons of Iraq Program which was so successful in getting large numbers of young Iraqis who had been attacking us to switch sides and support the government. These are two programs which I think people strongly support regardless of their position on the question of strategy and the troop levels. Those provisions will make it possible, immediately upon enactment, to use funds to support the reintegration of those young Afghans into their civilian life, just the way we did with the Sons of Iraq.

This provision will permit the shipping of equipment that is so important to strengthen the Afghan Army and police from Iraq instead of bringing it home. These are critically urgent provisions, particularly in Afghanistan.

Another provision, as soon as a conference report is enacted, would permit the Secretary of Defense to use up to $500 million in operations and maintenance funds to meet urgent military construction needs of the commander of the Central Command in Iraq and Afghanistan that were not previously forecast. But these new authorities are not there until the conference report is enacted.

As I mentioned earlier, this bill includes the Military Commissions Act of 2009, which is needed to make trial of detainees by military commissions a viable alternative to trial in Federal court. Until it is enacted, any conviction obtained before a military commission will be at serious risk of being overturned on appeal. For that reason, the administration has suspended all military commission trials until this language goes into effect.

We have enacted a defense authorization bill every year for almost 50 years now. We have done so because Members of Congress have understood, on a bipartisan basis, the importance of supporting our troops and making the policy decisions that are necessary to support them. This year is no different.

With almost 200,000 men and women of the Armed Forces currently serving in Iraq and Afghanistan and many more supporting them and engaging in other demanding activities on our behalf and their behalf around the world, we cannot afford not to enact this legislation.

For all these reasons, I would urge our colleagues to vote for cloture on the conference report and then to adopt the conference report itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

Today, the Senate begins consideration of the conference report to accompany this year's national defense authorization bill providing our soldiers, sailors, airmen, marines, and their families with the support they need and deserve. This is a responsibility I do not take lightly, especially during a time of war. It is a responsibility my good friend and colleague Senator LEVIN understands very well. I thank and commend Senator LEVIN for his skill in shepherding this bill through the conference process in a bipartisan fashion. I thank Senator LEVIN for his leadership. I thank him for his commitment to the men and women who are serving in the military and the long relationship we have enjoyed working together as colleagues in that effort.

The conference report largely supports the defense priorities laid out by Secretary Gates and authorizes over $550 billion in base program funding for the Department of Defense and the national security programs of the Department of Energy.

Additionally, the legislation authorizes over $129 billion in overseas contingency operations funding for ongoing activities in Iraq, Afghanistan, Pakistan, and other regional operations and support of the war on terrorism.

The conference report demonstrates our bipartisan support for the men and women of the Armed Forces and their families and provides them with the pay, benefits, equipment, and training they need and deserve.

The report increases benefits for our wounded warriors and provides an across-the-board pay raise for our military.

The report terminates production of the F–22 aircraft, contains no funding for additional C–17 cargo aircraft, provides full funding for procurement of 30 Joint Strike Fighters, and fully authorizes funding to train and equip the Afghan National Army and police forces.

I am disappointed that we are unable to eliminate funding for the continued development of the alternative engine for the Joint Strike Fighter. As Secretary Gates said, ''This program is unnecessary and could disrupt the overall

JSF Program by diverting resources away from efforts needed for the continuation of that program.''

During the more than 20 years Senator LEVIN and I have worked together, we have had our share of respectful disagreements, and this year is no exception. I strongly disagree with the majority's decision to include hate crimes legislation in the national defense authorization bill. I have consistently opposed attaching hate crimes legislation to the national defense authorization bill in years past. This year, I again objected to the inclusion of this nongermane, nonrelevant language as an amendment to the defense authorization bill when the bill was being considered on the floor of the Senate. Today, I remain strongly opposed to its inclusion in the conference report. The defense authorization bill is not the appropriate vehicle for consideration of hate crimes legislation. It is not germane to the work of the Armed Services Committee. The stand-alone legislation, S. 909, has not even been considered by the Senate Judiciary Committee, where it could have been debated, modified, improved, and brought to the floor of the Senate. What we are doing here is an abuse of the Senate process.

I also object to the language itself because it would create a new Federal crime for willfully causing bodily injury to any person due to the actual or perceived race, national origin, religion, or gender identity, sexual orientation, or disability of any person.

I do not believe an expansion of the Federal criminal code is necessary to cover a certain class of citizens from ''perceived injustices.''

Let me tell you one of the biggest problems I have here. We have now seen a virtual disappearance of authorization bills for various functions of government from Senate consideration. We have done that because extraneous and nongermane issues have been raised on those authorization bills. I don't remember the last time we had authorization bills for foreign operations out of the Foreign Relations Committee. I don't know when we have had authorization for other branches of government. The reason is because they always get bogged down in extraneous amendments on both sides. I am not placing the blame on the other side. I am placing the blame on both sides. This then bogs down the legislation which then, because of the exigencies of time, means we are not able to address the proper authorizing process for many functions of government. That, then, throws it all into the appropriations process. Of course, that is now an enormous shift of power and authority and responsibility from the authorizing committees, in whom the responsibility should lie, to the appropriating committees which are simply only supposed to appropriate money for previously authorized functions of government. I worry a great deal about that.

The only bill that has been consistently passed for many years through the Senate and into law is the Defense authorization bill. The Defense authorization bill is vital. We are now starting a very dangerous precedent by adding a very large and controversial provision, which is nongermane and nonrelated to defense, to a Defense authorization bill.

As my friend Senator LEVIN will point out, there have been other times where provisions have been added to this bill which were nongermane. Nothing of this magnitude, nothing of the controversy that is associated with the hate crimes legislation which was tacked on to this bill without any consideration in the committee itself. There was no committee consideration. When the bill came to the floor, bang, the first amendment out of the box was the hate crimes legislation which, of course, tied up the legislation for some days.

I understand the realities around here. I know what majority votes are. I know what majority membership in this body means. It was jammed through. I want to tell my colleagues, if we allow hate crimes to be added to this Defense authorization bill, what is next? What pet project or legislation on the part of the majority leader or the majority will be included in the next authorization bill?

If this legislation is signed into law, it will force police and prosecutors to treat identical crimes differently depending on a police officer or prosecutor's determination of the political, gender, philosophical, or even religious beliefs of the offender. Our legal system is based on identifying, capturing, and punishing criminals, not on using the power of government to divine biases. Crimes motivated by hate deserve vigorous prosecution, and I strongly support punishing those who commit such heinous acts under existing laws. Moreover, I am committed to a full and transparent debate on the issue. But I strongly oppose using the men and women of the military as the vehicle to pass this controversial and partisan legislation.

The Detroit News editorialized:

> Certainly, threats of violence or violence against individuals for any reason should be prosecuted to the full extent of the law. Not, however, because the victims are members of a particular race or sex, adherents of a particular religion or are gay. These crimes should be punished because the victims are uniquely valuable individuals who deserve the protection of the law solely on that basis. The idea of special prosecutions for ''hate crimes'' is inherently divisive.

I am pleased the conference report does retain some legislative language offered by Senator BROWNBACK during Senate debate on the bill. The Brownback language clarifies that nothing in the hate crimes legislation language shall be construed as an infringement on Americans' first amendment rights. Additionally, his amendment ensures that nothing in the hate crimes language should be construed to overturn ''the Religious Freedom Restoration Act of 1993'' that ensures our laws do not substantially burden Americans' free exercise of their religion.

The majority had the votes in July to add hate crimes to the Senate bill, and I am sure the majority will again have the votes today to invoke cloture on the conference report containing hate crimes language. It is indeed, unfortunate, that we are using the brave men and women in uniform as leverage to pass hate crimes legislation.

This legislation should have gone through the Judiciary Committee. That is the oversight committee. That is the committee of jurisdiction. I know my colleagues who are here on the floor will be justifying this legislation on the grounds of how badly it is needed. I say to the majority, who controls the legislative schedule here, they could have had this bill through the Judiciary Committee and on the floor of the Senate and passed in the Senate in the proper fashion and not put hate crimes on a bill that cares for the men and women serving in the military today. I worry a great deal about the precedent we will be setting by including an incredibly controversial piece of legislation in the Defense authorization bill which provides for our first and foremost obligation, and that is to secure the safety and welfare of our fellow citizens.

Finally, I believe it is important to note that the Defense authorization bill has been the only authorization bill that the U.S. Congress has consistently passed every year. Other authorization bills have often fallen under the weight of provisions inserted into must-pass bills that are not relevant to the legislation and highly controversial. The lives of our men and men serving abroad literally depend on our ability to consistently and reliably pass this authorization bill every year. I am not willing to take a gamble with our troops. For these reasons I cannot in good conscience vote to support the motion to invoke cloture on this bill, and I encourage my colleagues to do the same.

Prior to the final vote on passage of the conference report, I plan to speak in more detail about the overall bill and the commitment we have made in this conference report to do everything possible to ensure our soldiers, sailors, airmen, and marines receive the support they deserve and need, as well as a message we need to send those brave men and women and their families whom we support and stand behind.

I will vote against cloture. I will vote for final passage of the legislation in deference to our need to care for the men and women who are serving. I also would point out that if cloture is not invoked, we could immediately pass a resolution reconvening the conference and get this bill done today. But that is not going to happen, unfortunately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak for 10 minutes.

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

Mr. INHOFE. Mr. President, I did not sign the conference report on this legislation. I did not do it for a number of the same reasons articulated by the Senator from Arizona.

There are some good provisions in this bill. It does increase the size of our military, the Army, Marines, Air Force, and the Navy. Specifically, it authorizes 30,000 new additional Army troops through fiscal years 2011 and 2012 but provides no funding, which means the Army is going to have to take it out of its hide somewhere else. This concerns me.

It does provide a pay raise. That is good. It improves TRICARE eligibility. It adds eight congressionally appointed members to the independent panel that will consider the Quadrennial Defense Review. That was a program of Senator THUNE's. It does do that. That is good.

It provides $350 million to train and equip. Train and equip has been one of my favorite programs for a long period. It is one that we are getting the most out of right now. I am pleased that is in there. It also adds some funding for the new AFRICOM, African Command. It used to be divided into three different commands—the European command, the Pacific command and Central Command—but now it is in one. However, even though AFRICOM is good, and General Ward is doing a great job, it was not adequately funded in terms of resources. Now it is much better. We have extra funding in there.

Having said that, I would have to say that on modernization and the things I have been trying to do since I have been serving in this body and on the Armed Services Committee, military modernization has been kicked down the road. It seems all we ever do around here is take care of what is on fire at any given time.

President Obama said, in his February 2009 speech to a joint session, that he would push for removal of Cold War era equipment we do not need. I agree with that statement. That is not what this legislation does though. We are still using the Bradley fighting vehicle and the M1 Abrams tank, both developed in the 1970s and 1980s. The Army's Paladin howitzer was developed in the 1950s back when I was in the Army. We do have the Paladin Integrated Management, P.I.M., program to upgrade it but, nonetheless, there is no current modernization plan to replace that cannon. It terminates the C–17 program. Fortunately, we were able to get some things in Defense appropriations to correct that and add funding for additional C–17s. It terminates the F–22 program. I can remember when that program was first introduced. We were going to have some 900 aircraft. As it turned out, that was dropped down to 750 and has now been reduced to purchasing only the 187 aircraft already produced. Let's keep in mind that the F–22 is the only fifth-generation fighter we have, and other countries—China and Russia—are cranking theirs out now.

I think the worst part of this, though, was what they did to our missile defense system. The chart is complicated but it shows that during the boost phase, we have two capabilities—the airborne laser and the kinetic energy interceptor. Those were, for all practical purposes, terminated with this bill. That is the easiest and earliest phase to knock down an incoming missile, if you can get it during the boost phase. It cut down the number of missile interceptors in Alaska and California from 40 to 33. But to me the worst part is—and we have talked about this on the floor over and over—it eliminated our ground-based interceptor capability that was ongoing in Poland and the Czech Republic. I was there when this European plan was first being discussed.. I talked to the Polish Parliament as well as the Czech Parliament to encourage them to let us have that capability. I remember a member of the Parliament asked me: Are you sure that if we do this and take a controversial position in allowing an interceptor capability to take place, that America won't back down? I said: I am absolutely certain we won't. Obviously, we did back down. I am very much concerned about that. I wish there were time to go into it. There is not.

I will say this: We are pretty well protected with our capability, even though they decreased the number of interceptor missiles in Alaska and California in this legislation. But the interceptor missiles based in Alaska and California are intended to protect against missile threats from the west of the United States from Asia. Something coming from the East is a different situation. We needed this added capability and protection. I know the administration says that we already have the capability of knocking down a short and medium-range hostile missiles with our PATRIOT missiles, our THAAD system and our SM–3. The problem with that is, those systems do not adequately address the long-range missile threats from nations like Iran. Our intelligence says Iran is going to have a long-range missile capability by around 2015. If we had stayed with our program to have this capability in Poland and the Czech Republic in advance of that, we would have the capability of knocking down an ICBM coming toward the United States.

As it is now, we will not have until around 2020. If our intelligence estimate is right, that means we have a 5-year period, between 2015 and 2020, where we are pretty much naked on the east coast and Europe against long-range missile threats.

Let me ask, because I know there is another Senator who wants part of this time, how much time remains on our side?

The PRESIDING OFFICER. There is 11½ minutes.

Mr. INHOFE. I am very much concerned about some of the other things that have been approached in this legislation. One is the lack of testing capability for our existing stockpile of nuclear capability.

I am concerned about the additional money, some $560 million, to continue development and procurement of the alternate engine for the F–25 Joint Strike Fighter. We debated this over and over again. The end result would be, if this continues in the way it is right now, it would eventually knock us down by about 50 F–35 aircraft. This is something that should not take place.

While this authorization bill does prohibit the Gitmo detainees coming into the United States, it does allow for detainees to be transferred into the United States 45 days after the President has submitted a plan to Congress. It does not say that Congress has to approve the plan, just that they must submit the plan to Congress. Anytime I look at what has happened and the capability we have there at Gitmo—and to think we would shut it down for no reason I have ever been able to determine—that is concerning.

The last thing I would mention is, if we look at our responsibility of defending America, we are down now to a very small percentage of GDP compared to where we have been in the past. During the gulf war, our defense spending was 4.6 percent. It was 6 percent during the buildup of the Reagan years. If this trend continues on the road we are on now, it would be at 3 percent of GDP by 2019.

I would only remind you, Mr. President, we went through this same thing back at the beginning of the Clinton administration. As this chart shows, this line right here is a baseline. The Clinton budget is the red line down there. So we are talking about a degradation of some $412 billion in that period of time.

On the heels of that—I remember so well the jubilant cries that: The cold war is over. We don't need a strong defense anymore. I see that same sentiment coming on the horizon. I am very much concerned about that.

For that reason, I will be opposing the vote we will be facing in a short period of time. There still is time to send this back to conference and get some of those things taken care of. I would encourage our colleagues to give us the opportunity to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, I yield myself just 1 minute. There is no conference to send this back to. The conference, by rules, has been disbanded.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am frustrated and disappointed that I would be in a position to vote against

cloture on this legislation. I have been a member of the Armed Services Committee now for 12 years. I have voted in favor of passing the National Defense Authorization Act each of those 12 years. I am particularly concerned that I would feel compelled to oppose the passage of this conference report this year.

I will vote against cloture because I am deeply troubled that we are moving away from the longstanding tradition of passing bipartisan legislation that sets aside partisan politics in favor of providing funding for our men and women in uniform. I am sad to say that in this case the desires of a few have overridden that tradition. The result of that decision is before us in the conference report.

The inclusion of the controversial language of the hate crimes legislation, which is unrelated to our national defense, is deeply troubling. I think we will be setting a dangerous precedent by including such extraneous legislation on a most important authorization bill the body passes every year.

I count myself as an ally of our men and women in uniform. I work for them, feel compelled to support them in every way possible. I certainly do not mean to disrespect them and all the good things that are in this bill. But let me just say, one reason we have had such good support for the Defense authorization bill and are able to pass it every year, when bills like the foreign relations authorization bill almost never pass because that bill and so many other authorization bills get larded up with all kinds of pork and special interest, extraneous legislation, and they become so controversial they do not pass—our unwritten but firm principle has been: Let's keep the Defense bill a clean bill that focuses on our men and women in uniform. And just because you or some Senator in the body has a piece of legislation they strongly favor, that does not mean it should be added to the Defense bill, because others may feel just as strongly in opposition. So it creates a real problem for us.

I will just say that the train on which this Defense bill annually moves forward is a powerful engine. It has always been known that if you are able to get your legislation on the Defense bill, then few Senators are going to vote against it even if they do not agree with that particular piece of legislation. They want to vote for the Defense bill.

In a bipartisan way, we have recognized—and not perfectly—if we want to make sure this bipartisan strength and support for our men and women in uniform and our national defense is maintained, we do not need to load up that train with extraneous, controversial pieces of legislation. That is a great disappointment to me.

I hope by raising this objection clearly—and I appreciate Senator MCCAIN doing so—we will begin to send a message that: Let's not do this again because it can endanger the success we have had over the years.

This legislation was included despite the opposition of both the chairman and the ranking member of the House Armed Services Committee and certainly the ranking member of the Senate committee, Senator MCCAIN. It is my understanding that the leadership—I guess the Speaker and the majority leader are the ones who insisted this legislation, this hate crimes bill, be added to it. Specifically, Chairman IKE SKELTON, the Democratic chairman in the House, on October 8, said:

> Finally, regarding the Hate Crimes Prevention Act, I have said several times that I would have preferred it to have been enacted as a stand-alone bill.

Well, I think that is certainly what we all felt. But somehow that did not happen. It has been added to the legislation.

On July 20 of this year, I gave a lengthy statement I am sure few listened to and even fewer read discussing hate crimes legislation and the constitutionality of it, the need for it or lack of need for it. I pointed out a number of things that I think were very important to considering the legislation. One of them I will just note is a report by the U.S. Commission on Civil Rights.

I oppose the legislation. I do not think there was any showing—as a matter of fact, there was no showing—of a failure of State and local prosecutors to prosecute these cases. I asked the Attorney General himself, Mr. Eric Holder, to list the cases he named, and he listed five. We checked all those cases in the last 5 years, and they were all prosecuted, and most resulted in conviction and jail time. So it is not as if these cases were not being prosecuted.

This has a political dimension to it, frankly, more than a legal dimension. Six of the eight members of the U.S. Commission on Civil Rights signed a strong letter to the President and to the Judiciary Committee opposing this legislation. They went on to say in their letter that:

> While the title [of this legislation] suggests that it will apply only to ''hate crimes,'' the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts ''because of'' someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

The letter goes on to say:

> Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen ''because of'' their gender.
>
> A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen ''because of'' their gender or disability.

The letter goes on to say that this piece of legislation would make every rape in America be declared a crime under this bill because it is an act against someone because of their gender.

So on the merits, I am concerned about the legislation. I am concerned about its constitutionality. There is a lack of interstate nexus. Unlike the 1968 Civil Rights Act—which was needed and did fill a gap because there was clear proof that serious crimes committed against African Americans and other minorities were not being prosecuted. They had proof of that and could show that. So the Federal legislature, through narrowly crafted legislation to protect the movement and free exercise of civil rights by minorities in this country, passed a civil rights bill that I think has been upheld as constitutional. But this bill is much broader, much less narrowly tailored, and much less defensible.

So I will just say, Mr. President, I am proud we have a good pay raise in the legislation. I am proud there are some good things in it. I am disappointed, as Senator INHOFE said, about the missile defense issue and the lack of funding to update our nuclear stockpiles, which is becoming a critical issue. Overall, I am supportive of the legislation, want to be supportive of it, but I want to be crystal clear that we should not head down this road where we allow the addition, through a defense bill, of controversial legislation such as this.

Mr. President, I thank the Chair and yield the floor.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. LEVIN. How much on the other side?

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

Mr. LEVIN. Mr. President, I am going to be very brief and will not use the 10 minutes, unless there is somebody else who wishes to speak in support of the motion to invoke cloture.

I yield myself, Mr. President, 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Just very briefly, let me say that the Senate has adopted hate crimes legislation on a defense authorization bill, I believe, three times. This is not the first time we would do this. It is not the second time we would do this. So it is not unique. It is not unusual. It is not unprecedented.

It is important that we provide the same kind of protection for the additional groups who are being protected under this legislation, including groups who would be attacked physically based on sexual orientation.

It would protect men and women in uniform for the first time from these kinds of hate crimes. That is something in which the Armed Services Committee has a special interest. The language has been written to ensure that it does not intrude on first amendment rights, that State and local law enforcement retain primary jurisdiction over investigations and prosecutions. It would punish violent acts

only, not beliefs. No Federal prosecution could take place under the provision unless the Justice Department certifies that the State in which the hate crime occurred either does not have the jurisdiction, has asked the Federal Government to assume jurisdiction, or has failed to vindicate the Federal interest against hate crime motivated violence or that a Federal prosecution is necessary to secure substantial justice. Senator Kennedy was the champion of this provision. Over and over again, he attempted successfully in the Senate to get this kind of language adopted. He pointed out, and I think with eloquence that is unmatched, that the values men and women in uniform fight for are these kinds of values: the value of diversity, the value of nondiscrimination. To say this has no place on this bill, it seems to me, is wrong for that reason as well as a number of other reasons.

We have had strong support for this provision from the Department of Justice and from law enforcement groups across the country that want this kind of support. The Senate, again, has authorized this legislation on the Defense authorization bill and has supported it twice before. This is at least the third time now that it is part of this bill. There are good reasons for it being part of Defense authorization, one of which is the values that are reflected here that when the men and women put on the uniform of our country, they fight to protect.

This would be a real tribute to Senator Kennedy for this language to be included. I remember going over with him to urge the House to adopt this language a couple years ago. The House did not do it then, although we in the Senate did do it. But now the House has adopted it. The Senate voted on this language just a few weeks ago with, I believe, 63 votes to incorporate this language into the Defense authorization bill. So we have already voted to do this. There is nothing unique or unprecedented about doing it again.

I hope we will invoke cloture. The stakes are huge. When I spoke before, I was quoting some of the things this bill will provide which are essential.

Now, some of the things in this bill required an appropriation. The Appropriations Committee hasn't acted on—excuse me—we haven't adopted an appropriations bill yet. Those things are not going to be held up if we don't pass this bill today, but there are a few things that will be held up. Our veterans are going to have to pay more for prescriptions and copays if we don't act on this bill, and acting on this bill will prevent that increase in copays without an appropriation.

We all talk about the importance of getting to Afghanistan equipment that is in Iraq. This bill has language which will permit that to happen. There is great disagreement as to what the right policy is in Afghanistan, but there seems to be no disagreement that we ought to strengthen the Afghan Army. One of the key ways to strengthen the Afghan Army is to get them equipment that is currently in Iraq which, if we don't pass this bill, is going to have to be shipped back here not only at great expense but also denying to the Afghan Army that we are trying to build up the kind of equipment that will make it possible for them to assert greater control for the security of their own country. That equipment cannot be transferred until this bill passes because that is nonexcess equipment. The moment this bill passes and is signed by the President, that equipment can be shipped to Afghanistan. That will protect our troops.

To try to pass another bill—have the House pass another bill, have another conference created if we can get one, have the conference, go through the process of conferees—is going to deny and delay an essential item going to Afghanistan to help protect our troops and our interests.

We talk a lot about: Why can't we do in Afghanistan what they did in Iraq? Why can't we have the Sons of Iraq be the Sons of Afghanistan? Why can't we put a policy in place which will attract those young Afghans who are on the payroll of the Taliban not because they believe in the extreme religious fanatic position the Taliban takes, but because it is a check or, more importantly, more accurately, cash they can put in their pockets?

With the Sons of Iraq we were able to wean away from the attackers, the people who hated us, 100,000 young Iraqis because we had a program which would help to fund that. This bill contains the authorization for our commanders to use CERP funding for that purpose. That is going to support our troops. Those funds can't be used until the President puts his name on this bill. Delaying that jeopardizes our troops, jeopardizes our interests, and it is one of the many essential provisions in this bill, and until they become law cannot be put into effect. But the moment it does become law, if and when it does, it can be placed into effect.

So the stakes on this first vote are great. If we delay adopting this bill by not adopting cloture, we are going to be taking a step backwards in terms of the support of our troops and our interests in Afghanistan and Iraq. The delay is unacceptable. I hope our colleagues will vote for cloture.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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 Conference Report to accompany H.R. 2647, the Department of Defense Authorization Act for Fiscal Year 2010.

Harry Reid, Ben Nelson, Benjamin L. Cardin, Byron L. Dorgan, Robert Menendez, Richard J. Durbin, Charles E. Schumer, Tom Harkin, Evan Bayh, Patrick J. Leahy, Jack Reed, Robert P. Casey, Jr., Roland W. Burris, Edward E. Kaufman, Paul G. Kirk, Jr., Barbara Boxer, Sheldon Whitehouse, Carl Levin.

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 conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, 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.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay.''

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

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—64

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NAYS—35

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Feingold	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	

NOT VOTING—1

Hatch

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35.

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

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

HONORING SENATOR DANIEL INOUYE

Mr. REID. Mr. President, our colleague, Senator DAN INOUYE, has earned, on the field of battle, the Bronze Star, the Purple Heart, and the Congressional Medal of Honor. The man we work with on a daily basis is an American hero. He has earned the admiration, respect, and trust of the people of Hawaii and the entire Nation.

Today he has reached another milestone. He becomes the third longest serving Senator in American history.

(Applause.)

Every day since January 3, 1963—46 years, 9 months, and 20 days—Hawaii has been proud to call DAN INOUYE their Senator. There has certainly never been a Senator such as DAN INOUYE. He holds many distinctions no one else can claim or will claim: He has represented the people of Hawaii since Hawaii became a State. He was Hawaii's first Congressman and is its longest serving Senator. He was the first Japanese American to serve in the House and the first Japanese American to serve in the Senate and first chairman of the Senate Select Committee on Intelligence.

Just as he today becomes the third longest serving Senator, he also ranks third all-time in the number of votes cast in the Senate, behind only Senators BYRD and Thurmond. That means the senior senator from Hawaii has cast more votes than any Senator west of the Mississippi.

Today's vote by Senator INOUYE, which was the last vote cast—one of America's most accomplished veterans, and that is an understatement—was on the Department of Defense authorization bill. It was his 15,507th vote.

The good people of the great State of Hawaii thank Senator INOUYE for his continued service. The American people thank him for his courage and his leadership. I thank him—from the day I entered this body, there is no one who has been more cordial, more of a gentleman than the man we know who has a Congressional Medal of Honor, DAN INOUYE.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my good friend from Hawaii, I addressed this issue we are discussing now in my opening remarks this morning. I congratulate him for achieving this milestone. He has been an inspiration not only to Members of the Senate but to many Americans throughout his life, beginning, obviously, with his extraordinary service for our country during World War II.

As I indicated to my good friend, I addressed this earlier today. I wish to join with others in congratulating him on this important milestone he has achieved today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I also add my voice, support, and praise for our colleague, Senator INOUYE of Hawaii, who now becomes the third longest serving Member of this great body. DAN INOUYE has spent his life fighting for freedom, democracy, and equality in uniform, as a Member of Congress and the Senate.

Senator DANIEL INOUYE may be the only American who saw with his own eyes the smoke from Pearl Harbor and the black smoke that rose from the Pentagon on 9/11. On both of those terrible days, when the Nation he loved was under attack, DAN INOUYE stood ready to protect and serve this great country. I am honored to call him a colleague.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to congratulate and bring my aloha to my good friend, brother, and colleague, Senator INOUYE, on reaching this impressive milestone today, becoming the third longest serving Senator in U.S. history. His dedication to public service and to this great country is an inspiration to me and to many others.

Senator INOUYE has been in Congress ever since Hawaii became a State in 1959. He has been here for 46 years, 9 months, and 20 days. He was in the House and then joined the Senate 3 years later.

This historic milestone would be impressive on its own, but it is truly amazing when one considers Senator INOUYE's background: a Medal of Honor recipient who lost his arm fighting for America in World War II. He fought for our country while fellow Japanese Americans were being interred in our country.

He then became the first Japanese American in Congress. He has fought for our country in battle and in the Congress as well.

Senator INOUYE will continue working for Hawaii and the United States for many more years to come. It has been a pleasure serving with him in these years representing Hawaii.

I, again, extend my aloha, my congratulations to Senator DAN INOUYE, and ask for God's blessing upon him and God bless America.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, one thing Senator INOUYE has established is that you do not have to be a Democrat to love DANNY INOUYE. He is not only revered here for his knowledge and for his leadership but for his affection and to all things we care about, and people on the other side of the aisle confirm that in their respect for DANNY INOUYE.

DANNY, as we affectionately know him, and I and Senator AKAKA are the three remaining veterans of World War II in this place. We treasure every moment we have together. I particularly am in debt to DANNY INOUYE for his unique capacity to listen, to think quickly on his feet and come up with the right answers.

DANNY, we congratulate you. We look forward to your ascension to even higher standing with longevity in this body and, quite frankly, I hope to be here with you. Congratulations.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this day I am reminded how grateful I am to the people of Hawaii for honoring me all these years. I just hope my work here has returned this great favor they have given me.

I can think of many good things that have happened, but the thing I will always cherish is the friendship of my colleagues—friendship that extends on both sides of the aisle. I think that is the way we should look upon the Congress and the Senate. Therefore, I am pleased that as chairman of the Appropriations Committee, I can tell one and all that out of the 12 bills, 10 were reported out unanimously, 2 with 1 opposition. That is bipartisanship, and we intend to keep it that way.

Once again, I thank my colleagues for their many courtesies and today they have honored me greatly. Aloha.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, may I inquire, what is the business before the Senate?

The PRESIDING OFFICER. The conference report to accompany H.R. 2467.

Mr. CHAMBLISS. Mr. President I rise, regrettably, to oppose the conference report for the fiscal year 2010 National Defense Authorization Act. For the record, this will be the first Defense authorization bill I have voted against in my 15 years in Congress.

There are many provisions in this bill with which I agree and strongly agree that represent major steps forward in support of our men and women in uniform and the national security responsibilities of the United States. For example, the bill includes a significant pay raise for our troops, re-authorizes numerous bonuses and special pays, authorizes billions of dollars of much needed military construction, both in the United States as well as overseas, and authorizes $6.7 billion for Mine Resistant Ambush Protected Vehicles or MRAPs.

Also, the bill includes the Military and Overseas Voting Empowerment Act, which I worked on in conjunction with Senators SCHUMER, BEN NELSON, CORNYN and BENNETT and which was cosponsored by over half this body. The MOVE Act is one of the most substantive and comprehensive military and overseas voting reforms we have seen in years. It will fix a significant problem we have had in this country, that of the men and women of our military; who are putting their lives in

harm's way being denied the ability to, No. 1, have the opportunity to vote, and No. 2, to have their vote counted.

However, the bill includes at least three provisions which I strongly oppose, and for those reasons I cannot support this final bill.

First, the bill includes hate crimes legislation, which I firmly believe is unnecessary, irresponsible, and certainly not germane to this bill. There is little evidence that indicates that violent crimes, motivated by hate, go unpunished in the United States. Every single State has criminal laws that prohibit the antisocial behavior addressed by hate crimes legislation, including laws against murder, rape, arson, assault, and battery.

I oppose the creation of Federal hate crimes legislation for several reasons. First, I do not believe the Federal Government should interfere with the criminal laws already on the books in our States.

Second, this hate crimes legislation would establish a protected class of crime victims who would receive special protection under the law.

Finally, we already have laws to prosecute individuals who commit violent crimes. Those people guilty of violent crimes against anyone should and will be prosecuted under existing law and should be punished to the hilt when found guilty. For all these reasons, I strongly oppose the hate crimes legislation in this bill.

Secondly, the bill contains no funding for the procurement of additional F–22s. On May 19, 2009, the Chief of Staff of the Air Force, General Schwartz, affirmed under oath that 243 is the right number of F–22s to have in our inventory. Nevertheless, inclusion of additional F–22 funding received a veto threat from the administration and funding was stripped out of the Senate bill after an unbelievable lobbying effort coming out of the Pentagon and the White House.

I readily acknowledge there is a difference of opinion on this issue and that others do not necessarily share my views on this subject. However, what I will not acknowledge is that support for additional F–22s is simply an example of doing business as usual and the influence of special interests. Congress is entitled to disagree with the executive branch on significant procurement and policy decisions, and there are countless examples of where we have done so and history has proven Congress to be right. Time will tell, but the F–22 may very well be an example of where the supporters of the program were, without question, correct.

I hope we are never put in a position as a country where we once again must fight to maintain air dominance, but there is not a single weapon in our inventory that ensures that we will maintain air dominance other than the F–22. The F–35 is a great weapon system, but we now know it is going to be delayed by 2 years.

It was kind of interesting that the announcement on the 2-year delay on the F–35 came out about 3 or 4 days after the final vote on the Defense authorization bill on this floor. But the F–35 is an air-to-ground weapon system that will not guarantee us the air superiority the F–22 will. If we are going to rely on 187 F–22s from an air dominance standpoint in every potential sector of the world, against every potential adversary, it is simply not enough. General Schwartz was right when he said 243 is a more correct number. I believe stopping production at 187 puts our Nation at high risk in the near to midterm, and there is no reason our Nation should accept that amount of risk given our global responsibilities.

Third, section 1041 of the bill provides for the transfer of Guantanamo detainees to the United States. While the bill specifies conditions for transfer as well as requiring a plan for each detainee who is transferred; the bill nevertheless allows for the transfer of those detainees. The conditions for the transfer of those detainees are similar to those that are present in the fiscal year 2010 Department of Homeland Security appropriations bill which I voted against earlier this week.

I made a much more detailed statement at that time about my reasons why I was voting against that bill relative to this issue of the transfer of Guantanamo detainees to the United States, but that bill authorized the transfer of detainees to the United States for the purpose of prosecuting the detainees or for detaining them during legal proceedings. This bill allows the transfer of detainees not just for that purpose but for any purpose. This will allow those detainees to have access to U.S. criminal courts, which I strongly oppose, because these are individuals who were arrested on the battlefield, not by the FBI or local police or any other law enforcement agency inside the United States. These are battlefield combatants. This also goes against the will of the American people and opens up the possibility that these detainees may one day be released in the United States. Therefore, I cannot support this provision in the underlying bill.

Mr. President, I strongly support our troops, and I support the missions we have asked them to carry out. Shortly, I will be going back to Afghanistan for my third trip. I also have been to Iraq on eight different occasions, and I get very emotional and excited about the opportunity to look our men and women in the eye, with their boots on the ground, and tell them how much we Americans appreciate the great job they are doing. I am going to continue to support them in every way possible. But the fact is, here we have provisions in a Defense authorization bill that go against the will of the American people and that, frankly, don't have much of anything to do with our troops in theater as well as our troops here.

So, Mr. President, regrettably, I am going to be opposing this bill on the grounds of the issues I have outlined.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I am a student of history and a firm believer in applying the lessons of history to present planning and to future planning. There is no profit—none—in making the same mistakes over and over. There is no future—none—in building on a foundation of shifting sand. Our military planners and our Afghanistan policy analysts, as well as Members of this Senate, would do well to spend some time considering the history, the geography, and the cultures of Afghanistan.

Throughout the long centuries, Afghanistan's geopolitical value has been its location along the great Silk Road that carried both trade goods and armies between Europe and Asia through the forbidding Hindu Kush mountains. Afghanistan has limited natural resources. Afghanistan has a climate and a geography that produces very little for export. So the fiercely—and I say fiercely—independent tribes that populate this harsh and barren land have long earned a living instead from the goods and the armies that travel across it.

Tribesmen have used the dry rocky plains and the steep, bare, cavern-riddled mountains to great advantage—to extort both armies and traders for security and shelter or as a base from which to raid.

In weary succession, rulers and nations have witnessed their dreams of conquest and their dreams of empire in Afghanistan dashed. From Alexander the Great in 326 BC, to Genghis Kahn in the 13th century, to the British in the 19th century, to the Russians in the 20th century, no invading army has ever conquered Afghanistan, earning it the sobriquet ''Graveyard of Empires,'' the graveyard of empires or, to say it another way, graveyard of foreigners.

In one horrific example, in 1842, the British lost more than 16,000 troops and civilians in a single 110-mile retreat from Kabul to Jalalabad. History tells us—and we had better listen to history—that Afghanistan does not take kindly to foreign intervention. Yet—now, get this—here we are discussing a proposed counterinsurgency strategy that would vastly increase the U.S. presence in Afghanistan in the vain hope of spawning the establishment of a Western-style, modern democracy and economy in a land that in many areas and in many ways is still frozen in the time of Alexander the Great.

As a junior United States Senator I traveled to Afghanistan in the 1960s—way back there in the 1960s. Yes, I went to Afghanistan in the 1960s and, let me say to you, it was an eye-opening experience. Men, human beings, were treated like beasts of burden, actually pulling carts like oxen. Yes, I saw it. Living conditions were primitive. Corruption was widespread. While life in Afghanistan's cities has changed somewhat in the intervening decades, many

of the scenes that I see in the news still look very familiar to me. The fundamental changes that are wished for by some NATO and U.S. planners, particularly in the least developed rural areas where the tribal theocratic Taliban rule is most entrenched, would certainly be a long shot—and I mean that, a long shot—and likely will be a long shot and quite unwelcome.

What is really at stake for the United States in Afghanistan? We all know that Afghanistan is not a threat to us militarily. The Taliban is not a threat to us militarily. Al-Qaida, however, is a demonstrated threat to us, with ambitions and a philosophy that must—must—keep us vigilant. But the link between al-Qaida and Afghanistan is a tenuous link, one based only on the temporary expediency of location, an expediency that has already been replaced as the al-Qaida leadership has moved and may move again. Building a western style Democratic state in an Afghanistan that is equipped with a large military and police force and a functioning economy based on something other than opium poppies may or may not deny al-Qaida a safe haven there again. It will, however, guarantee that the United States—that is us—must invest large numbers—not just a few, large numbers—of troops and many billions of dollars in Afghanistan for many—not just a few, many—years to come, energy and funds that might otherwise go toward fueling—in other words building and strengthening—our own economic recovery, better educating our children or expanding access to health care for more of our own people, and yet there are many here in this body, many here in the Senate who believe that we should proceed with such a folly in Afghanistan.

I am not one of them. But there are many, I say, here in the Senate, who believe that we should proceed with such a folly in Afghanistan. During a time of record deficits, some actually continue to suggest that the United States should sink hundreds of billions of borrowed dollars into Afghanistan, effectively turning our backs on our own substantial domestic needs, all the while deferring the costs and deferring the problems for future generations to address. Our national security interests lie in defeating—no, I go further, in destroying al-Qaida. Until we take that and only that mission seriously, we risk adding the United States to the long, long list of nations whose best laid plans have died on the cold, barren, rocky slopes of that far off country, Afghanistan.

I yield the floor. 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. BENNET. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BENNET. Mr. President, it was a great privilege to be here on the floor to hear the remarks of the senior Senator from West Virginia. I congratulate him on his remarks and thank him for giving us the privilege of hearing his views on Afghanistan.

One of the most import duties we have as Members of this Chamber is to ensure that our troops have the tools and equipment they need to succeed. It is an obligation we all take very seriously. I thank the chairman and ranking member of the Senate Armed Services Committee, Senators LEVIN and MCCAIN, for producing such a balanced and bipartisan bill that invests in our Nation's defense and provides, as President Obama has said, ''for the few who have borne the overwhelming burden of our security.'' Making sure our troops have the very best America can offer is absolutely essential to our defense and keeps our military second to none.

I rise today to discuss a provision in this conference report that reflects a different source of pride, a source of pride that projects another characteristic of America and defines us as a model of freedom and equality under the law. These values form a foundation of America's strength that is our most enduring asset, both in times of war and peace. I rise today in strong support of the Matthew Shepard Hate Crimes Prevention Act. With the bipartisan passage of the Defense authorization conference report, we will have taken another substantial step forward for our values as Americans.

It has been 10 years since the Matthew Shepard Hate Crimes Prevention Act was first introduced in the Senate. During this period we have seen a marked increase in hate crimes. In my home State of Colorado there were 156 hate crime incidents reported to the FBI in 2007; 75 of those were on account of the victims' race and 32 on account of his or her sexual orientation.

One of these victims was 18-year-old Angie Zapata, of Greeley, who was beaten to death in her home in July of 2008. Press accounts indicated Angie's attacker said he went after her because he hates transgender and gay people. A jury found that the attacker was motivated by prejudice based on sexual orientation. The jury's verdict marked Colorado's first ever conviction for a hate crime against a transgendered person. The crime was heinous and the attacker will rightly serve his time because of the laws in my State. Our experience in Colorado, which already has strong hate crimes laws on the books, serves as an example of how to protect the civil rights of all Americans, regardless of where they live.

Our laws must reflect our values. Communities are threatened anytime there is a violent crime motivated by racial animus or by bigotry against one's gender or sexual orientation. Hate crimes are serious challenges for our law enforcement personnel. They can lead to additional crimes, and they can raise the level of animosity among communities. These unique challenges have rightly caused Congress to become involved. As we learned in the civil rights era, sometimes communities need assistance and resources from the Federal Government when they have to confront the most emotional and dangerous kinds of crimes. The Matthew Shepard Hate Crimes Prevention Act is designed to help local law enforcement manage these situations and deter hate crimes from ever happening in the first place.

This important law strengthens the current Federal hate crimes statute by protecting would-be targets of violence based on gender, sexual orientation, gender identity, or disability. It closes a significant loophole under current law that prevents hate crime prosecution when a victim is not engaged in a federally protected activity. All victims should be protected, and these crimes should be deterred regardless of where or when an attacker may be planning to commit a violent crime.

This legislation also authorizes the Department of Justice to provide grants to State, local, and tribal authorities to investigate or prosecute hate crimes more effectively. Grants are also made available for programs that combat hate crimes committed by juveniles, including training by local law enforcement to effectively identify, prosecute, and prevent those hate crimes.

I thank all of those who worked so hard over the past 10 years to update our hate crimes laws, particularly the late Senator Ted Kennedy, who long championed this cause. In a speech he gave back in 2007 on this very subject, Senator Kennedy asked how long those living in fear of attack or reprisal would have to wait until Congress did the right thing. How long, he asked, would it take for Washington to show that violence on account of gender, sexual orientation, or gender identity is absolutely inconsistent with our values and as such will not be tolerated in the United States of America.

Today, is Senator Kennedy's answer. Today we send a bill to the President that ensures America's enduring principles apply to all Americans. Today we approve a bill that, as Senator Kennedy predicted, ''sends a message about freedom and equality that will resonate around the world.'' It is a proud amendment. I urge my colleagues to set the right example and pass this important legislation.

Mr. LEAHY. Mr. President, today, if the Senate votes to pass the national defense authorization bill, Congress will at long last pass into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009. It is an important and historic step to reaffirm our values as Americans and show that violence against members of any group because of who they are will not be tolerated in this country. I am proud that this Congress and this administration have made this critical measure a top priority.

This is a step that has taken far too long. I have been working hard, as have many others, for more than a decade since the horrific murders of Matthew Shepard and James Byrd, Jr., galvanized the Nation. When Attorney General Holder testified before the Senate Judiciary Committee in June, it was the second time he had testified in support of this important bill. A full decade earlier he had testified as Deputy Attorney General in support of the passage of hate crimes. Since that time, he noted that ''there have been over 77,000 hate crime incidents reported to the FBI, not counting crimes committed in 2008 and 2009. That is nearly one hate crime every hour of every day over a decade.''

I offered the Matthew Shepard Hate Crimes Prevention Act as an amendment to the Defense authorization bill, and I was joined by my fellow New Englander, Senator COLLINS, in the effort. She has taken a leadership role on several important civil rights measures and now can add this to her long list of bipartisan accomplishments.

With the passage of this measure, for the first time our Federal law will protect a segment of Americans who have been under attack for too long. The LGBT community deserves its civil rights just as the rest of Americans do.

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. Yesterday I noted the steadfast leadership Senator Ted Kennedy provided on this issue, as on so many others, for more than a decade. We think of him as we see his good work go forward.

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.

As I have said many times, the years since these two horrific crimes have made clear that hate crimes remain a serious and growing problem. The recent 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.

I understand that a Senator on the other side indicated that we were considering a fully inclusive hate crimes measure today based solely on ''perceived bias.'' I would note for the record that this measure would punish violent acts that result in bodily injury that were motivated by hate. Each of these elements needs to be proven to a jury beyond a reasonable doubt. So it is just plain wrong to claim that perceived biases will be elevated to a crime.

I understand that some have alleged that this has not gone through the Judiciary Committee. In fact, we did consider this legislation at a hearing in June. The Attorney General of the United States testified in support of the legislation, and we had a thorough debate about the merits of the legislation in committee. I would also note that adding the hate crimes measure to the Defense authorization bill has occurred in the past, as recently as last Congress. Its inclusion this year could not have come as a surprise to anyone here.

This same hate crimes bill also passed the Senate in 2004, 2000, and 1999. The amendment passed this year in July on a bipartisan vote. There has been plenty of consideration and process.

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 already 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, 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 acts to protect all of its people.

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

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

The legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I rise today with regard to the importance of international development efforts in Afghanistan, as well as the role of women in that same country. Much of the public debate around Afghanistan is focused on troop levels, especially in Washington. This is a critical decision on troops, but a focus only on troops ignores so many of the crucial elements that will contribute to our strategy in Afghanistan; namely, what should be done to help promote democratic institutions. That is one question we have to spend more time on. How can we accelerate the training of the Afghan security forces? What impact does Pakistan have on this conflict? I have spoken about these issues in depth. I want to directly address the formidable development challenges before the Afghan people and what this means for the security environment.

Let me be clear. We are not conducting development in Afghanistan for development's sake. Promoting development has a direct national security impact and, if done right, can result in a safer environment for coalition troops, as well as Afghan security forces, and it can ultimately contribute to stability in the region.

Before discussing these issues, I want to applaud the extraordinary efforts of Senator KERRY, the chairman of the Senate Foreign Relations Committee, to seek a resolution to the Afghan election crisis. As we all saw from news reports, his tireless work over the past few days to support the democratic process in Afghanistan renewed the chance for much needed legitimacy in the electoral process. I hope the second round of the elections will be free from violence and the terrible fraud that was seen in August.

I also want to recognize the work of the Electoral Complaints Commission, which meticulously rooted out corruption in the election process. Those guardians of Afghan democracy should be commended for their work, and I trust they will perform equally well on November 7 and the days following.

The development changes facing Afghanistan are formidable. Destroyed by 30 years of war, Afghanistan is the third poorest country in the world. Large swaths of the country don't have access to roads, electricity, water, or prospects for jobs.

As I discussed on the floor last week, there are some positive aspects of the development process already in Afghanistan. There are now 6 million children in school, one-third of whom are girls. Basic health care now reaches more of the country than ever before. The public health care system has made strides in this regard to have organizations such as the Pennsylvania-based Cure International, which is working to train doctors. The economy has grown at 10 percent a year in aggregate terms, and mobile telephones are starting to connect more and more people across the country. When this process began in 2002, we started at zero. We should not be content with the pace of reform in Afghanistan, but we should acknowledge that some progress has been made.

While the debate in Washington revolves around the prospect of a troop

surge, not much has been said about the civilian surge to assist in development and diplomatic efforts. I support this important initiative, but we must encourage the administration to match this international surge with an Afghan surge. We must increase our efforts to build the skills and capacity of Afghans to develop Afghanistan. We must constantly work to instill the idea that Afghanistan's prospects lie not with the efforts of the international community—though we should do our part, and we have and we will—but with the talent and the will of the Afghan people. It is not only the best way to conduct development, it is in fact the only way it has ever been truly successful.

The strong roots of an Afghan-led development process have been years in the making. The Government's National Solidarity Program has worked to develop the ability of Afghan communities to identify, plan, implement, and monitor their own development projects. This model of community-based development is essential to building civic ownership for the country's future. The World Bank reports that more than 20,000 communities now have local government consultative institutions or community development councils. Afghanistan's Ministry of Rural Rehabilitation and Development oversees this effort, which is financed by a consortium of international donors. It employs more than 4,000 Afghan nationals and has developed the skills of 600,000 Community Development Council members across the country in planning and supervising projects and managing finances transparently. More than 80 percent of the labor has been provided by communities themselves, generating wages for the poor and cutting in half the cost of their projects.

While substantial progress has been made, the National Solidarity Plan faces three main challenges: First, the security environment is the biggest hurdle to rapid development. Second, the international community can play a helpful role in supporting the government's efforts to ensure that these structural gains are sustainable. The democratic process has begun to take hold in these communities but will require years to grow strong roots. Finally, the Community Development Councils will need regular assistance in building capacity. As local communities start to work together on multi-village projects, they will need technical help to implement the projects.

Afghanistan's development infrastructure is important and represents an important effort to mesh traditional community-based decisionmaking structures with the official governing structure. In order for these bodies to work properly, there must be an important focus on the provision of basic services, irrigation, access to transportation and the construction of roads, basic health care and education, and access to drinking water and electricity.

Much of the development work on Afghanistan must take place in an environment of extreme insecurity. USAID works in countries all over the world, but its impressive staff doesn't usually contend with the small arms fire, roadside bombs, and the militant attacks that they confront in Afghanistan. In the most crucial regions of Afghanistan, along the Pashtun belt in the east and south, USAID must operate alongside the U.S. military, the State Department, and the U.S. Department of Agriculture in provincial reconstruction teams. The military forces provide protection for the aid workers and diplomats as they seek to implement their projects. This configuration is clearly not ideal but has allowed for some development progress and has also played a critical role in the overall counterinsurgency effort.

While there has been significant funding provided for development efforts, not enough of the funding is actually reaching the Afghan people. Lately, international organizations have been criticized for high consultant fees and overhead costs associated with doing business in Afghanistan. Some nongovernmental organizations, so-called NGOs, and contractors are performing excellent work in extraordinary circumstances in Afghanistan. While much of the cost associated with their efforts is understandable given the high pricetag associated with security and paying quality staff to live in Afghanistan, I do believe that more of an effort should be made and must be made to work directly with the Afghan organizations where possible to implement development programs. This will likely mean an increase in USAID staff to oversee implementation of the programs and assure accountability. This would also serve in rebuilding USAID's capability to implement programs instead of relying upon contractors. Developing the capacity of USAID is long overdue. I want to acknowledge Ambassador Holbrooke's work in this regard and support his efforts to deliver more of our assistance directly to the Afghan people.

International development experts have highlighted the critical role played by women in the security, stability, and development of Afghanistan. We cannot expect progress on any of these fronts if half of the population is ignored. As I have said before, we have seen progress on women's and girls' political participation, education, and health since the fall of the Taliban. However, women are still largely excluded from public life and economic participation, and they remain targets of endemic violence.

We must support the Afghan Government's efforts to empower women and ensure their right to work in both public service and at community levels. Promoting the economic participation of women will pay long-term dividends in terms of education, health, GDP, and even the security and stability of their country.

International development experts in the region have noted that women are more likely than men to invest their extra savings and earnings in their families, specifically toward much needed education and health care, assisting women, whether through small grants, access to credit, or skills training as a potential to improve the lives of the entire household, including those susceptible to be drawn in by the Taliban.

Military strategists have focused on this important nexus of advancing development for women and security. In a society where young men are loathe to make decisions against their mother's wishes, convincing mothers that their children have future prospects beyond joining a militant group is a key part of our strategy. By working with women on a host of development issues, international and Afghan groups can have a clear and convincing impact on the security environment where our soldiers are operating today.

In closing, the security challenges in Afghanistan grow more acute by the day. We are rightly focused on the question of troop deployment and how to stem the tide of militancy across the country. But as we debate the merits of our presence in Afghanistan and our efforts to bring stability, we must fully account for the developmental shortcomings in the country. This, as well as the establishment of durable democratic institutions, will most likely be the ultimate determining factor in resolving this conflict.

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

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

The bill clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I rise today to express how pleased I am with the inclusion of the Matthew Shepard Hate Crimes Prevention Act of 2009 within the Department of Defense authorization bill. This day is a long time coming, and I am proud we have successfully stood up against hate crimes in this country. Such acts will not be tolerated in our society. The American public supported this goal. According to a Gallup poll from 2007, 68 percent of Americans support extending hate crimes protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans and 62 percent of individuals who frequently attend church.

Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in the United States in 2007. That is nearly one every hour of every day. Over 150 of those instances occurred in my home State of Maryland.

The passage of the legislation demonstrates that the Congress is fighting for people such as Stephen Johns, who was killed at the U.S. Holocaust Museum; Lawrence King, a 15-year-old student murdered in his high school because he was gay; James Byrd, who was beaten and dragged by a truck for 2 miles because he was Black; and for the 28-year-old California woman who was gang-raped by four men because she was a lesbian. Today, we stand and say: No more. No longer shall we tolerate these types of actions.

During the recent confirmation hearing of Justice Sonia Sotomayor, I spoke about the importance of standing against hate. I expressed the importance of a Justice and a Court that will continue to move forward in protecting civil rights and not turning back the clock. I hope the Court will stand with us against such actions and continue to protect important civil rights laws.

According to the recent Leadership Conference on Civil Rights education fund report entitled ''Confronting the New Faces of Hate,'' hate crimes against Latinos has been increasing steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a 5-year high in victimization rates in 2007 toward lesbian, gay, bisexual, and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacy groups has increased by 54 percent, and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion-based offenses decreased, the number of reported anti-Jewish crimes increased slightly between 2006 and 2007. The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities.

Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their own States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based on a victim's gender. States have a patchwork of hate crimes statutes that leaves gaps which need to be filled in order to have an effective response and prosecution of these crimes.

The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin, and religion. We need to include gender, disability, gender identity, and sexual orientation.

Current law also requires the victim to be participating in a federally protected activity, such as attending school or voting. Those who commit hate crimes are not bound to certain jurisdictions, and neither should the people who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The legislation will provide necessary resources to our State and local governments to fight hate crimes. Specifically, it will provide grants for State, local, and tribal law enforcement entities for prosecuting, programming, and education related to hate crimes prosecution and prevention. The bill will assist States and provide them with additional resources, not diminish their role in managing criminal activities within their own States. The bill supplements State and local law enforcement efforts.

Additionally and most importantly, the legislation was carefully drafted to maintain protections for Americans' first amendment rights. Nothing in this legislation diminishes an American's freedom of religion, freedom of speech, freedom of the press, or freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear: The Matthew Shepard Hate Crimes Prevention Act targets acts, not speech.

Hate crimes affect not just the victims; they victimize the entire community and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. Today, we hold true to our promise for a better tomorrow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. 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. BURRIS. Mr. President, I ask unanimous consent to speak for the next 7 or 8 minutes in morning business.

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

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, in the election of 1912, Theodore Roosevelt and the Progressive Party laid out an ambitious platform. T.R., as he was referred to, was seeking a third term as President of the United States. During his campaign, he called for a minimum wage. He demanded child labor laws and believed occupational safety should be a priority across America. Today we would take such measures for granted, but at the time, nearly a century ago, they were considered very progressive.

However, there is at least one major part of Roosevelt's platform that was never enacted. He called for ''the protection of home life against hazards of sickness, irregular employment and old age, through the adoption of a system of social insurance adapted to American use.'' Ninety-seven years ago, Teddy Roosevelt was talking about health care reform—but not just any kind of reform, he was talking about a public option. He knew even then that the American people needed to have quality affordable coverage that can only be provided by a ''system of social insurance'' much like the public option we are talking about in the current legislation.

That was the origin of the debate that rages on even today. Since that time, nearly every President and Congress has had to wrestle with a broken health care system; a system in which costs continue to rise even as relative health outcomes keep going down; a system that allows insurance companies to hold American families in a vice grip, squeezing them for exorbitant profits; a system that affords no choice, no competition, and no accountability for the American people. I believe that is fundamentally wrong. I believe fixing our broken system is nothing less than a moral imperative. I would imagine Teddy Roosevelt shared this belief, and since the day he raised this issue in 1912, no fewer than 10 U.S. Presidents of both political parties have also supported meaningful reform.

President Herbert Hoover referred to the health care crisis as ''one of the most vital problems facing our people today'' and called for adequate care for every single American at a reasonable cost.

His successor in the White House, Franklin Delano Roosevelt, said that ''the health of the people is a public concern'' and ''it is clear that there is need for a coordinated national program of action.''

When Harry Truman became President, he also took up this cause but quickly discovered that the special interests were a major threat to reform. He said:

> I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

I will repeat that, quoting President Truman. He said:

> I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

By the end of his Presidency, his effort had fallen short as well. He was defeated by the same kinds of influential groups that are trying to distract us even today. After Truman left office, he told friends that one of his deepest disappointments was his ''failure to defeat organized opposition to a national compulsory health insurance program.'' But even then, in the face of those who had an interest in maintaining the status quo, reform with a public option was not dead.

The next President to raise the standard was John F. Kennedy, who

said that the strength of a nation ''can be no greater than the health and vitality of its population.'' He believed swift action was necessary. But his time was cut tragically short before he could take action. In the decades to follow, it would be his youngest brother, Ted Kennedy, the lion of this Senate, who would wage the fight that has brought us to this junction in history today.

But in the uncertain days after John Kennedy's tragic loss, the cause of health reform next fell on Lyndon Johnson, who embraced it as strongly as any President ever has. He said:

> For a long time in our country, we have considered public support for education [to be a] basic investment, but today we are declaring that the health of our people is just equally worthy of that support, [and] equally important to our Nation's future.

But the end of Johnson's Presidency was wrapped up in the escalating Vietnam war, and Richard Nixon was swept into office.

President Nixon faced a health crisis not unlike the one we face today. Mr. President, 25 million Americans were without insurance. The number has almost doubled since then. Costs were escalating, and the President knew something had to be done about it. He said:

> Comprehensive health insurance is an idea whose time has come in America. Let us act now to assure all Americans financial access to high quality medical care.

Some of my colleagues across the aisle find it hard to believe that a Republican President made that statement almost 40 years ago. I urge them to consult the record for themselves. Back then, members of both parties agreed at the highest levels that it was time for comprehensive reform.

So surely we can find agreement today, in the face of a problem that has gotten far worse.

In 1977, when President Carter took office, he said the American health care system ''has left us unhealthy and unwell at the same time.'' His reform package included a public option. But, sadly, those efforts were blocked by the political opponents in Congress.

Finally, in the early 1990s, President Clinton thought he had victory within reach. He called for universal, comprehensive health care and said reform must be ''our most urgent priority.'' But, once again, the opposition succeeded in delaying and distracting our efforts, and reform fell by the wayside one last time.

When President George W. Bush took office, he recognized that America's health care system was broken and in need of reform. He even said that ''government has got to take an active role in reform.'' But he stopped short of calling for a public plan, and he left our broken system much as he found it.

This is where we find ourselves today. Despite the leadership of 10 Presidents from both political parties, we are faced with the same broken system that has troubled our elected leaders for almost a century. Now this momentous question has fallen to us: How will we meet this test that so many have failed?

These 10 Presidents were Republicans, Democrats, conservatives, and liberals. If these men had ever met one another, they probably would have found little they could agree upon. These 10 people held our Nation's highest office at very different times in the last century. They faced different challenges, confronted different obstacles, and led our Nation through decades of peace and war, ease and unrest, prosperity and depression.

But although their lives and administrations might have been very different, there was at least one thing they could all agree on. There was one thing all these Presidents agreed on. Every one of them supported comprehensive health care reform. Every one of them knew our system was broken, and almost every one of them knew some form of public option was the right answer. That kind of broad and long-standing bipartisan consensus is not only remarkable, it is almost unheard of in American history.

Let us take up this cause as our own. Let us make good on the promise first articulated by Teddy Roosevelt almost 100 years ago and supported by so many people since then. When President Barack Obama came to office less than a year ago, he vowed to succeed where so many of his predecessors had failed. He became the 11th President in the last 100 years to take up the challenge of health care. Thanks to his leadership, I have faith there will not need to be a 12th President to work on this issue. This time, we will not fail. We will not fall short on this issue.

At long last, it is time to heed this call. The weight of history and of consensus cannot be denied and it can no longer be ignored. We must pass meaningful health care reform that includes a public option. Our Nation has been debating this issue for nearly 100 years. Now is not the time to back down. We have talked for a century. So let us now act with conviction.

Friends, colleagues, fellow Americans, once again, our time has come. We must cast aside the tired constraints of partisanship and work together on behalf of the hardworking Americans we swore to represent. Eleven Presidents have stood up for health care reform, and now, colleagues, it is our turn. Let us succeed where our predecessors have failed, and let us write this history. Let us serve the sacred trust the American people have placed in us, not merely as political leaders but as lawmakers.

Colleagues, let us be statesmen. After 11 Presidents and nearly 100 years, it is time to vote for health care reform that includes a public option. It is time to stand up for the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

DEBT AND DEFICITS

Mr. GREGG. Mr. President, I rise to speak about one of the most significant issues we have confronting us as a nation, our rising deficits and debt. At the end of the last fiscal year, which just concluded at the beginning of October, end of September, we determined we had a $1.4 trillion deficit—$1.4 trillion.

It is projected that we will have trillion-dollar deficits for the next 10 years under the President's budgets as President Obama has brought them forward. Yesterday we had a vote not to do cloture on a bill the administration supported, and which was brought forward here, which would have put another $300 billion onto the Federal debt to pay for what is known as the doctors fix.

The doctors fix is something which should occur. We have done it around here before. We have done it every year for about 8 years; that is, reimbursing doctors at a fair rate rather than having their rates cut. But we have always paid for it.

But yesterday there was an attempt by the leadership on the other side of the aisle to pass a bill which would have not paid for the doctors fix and which would have put $300 billion of new debt onto our children's backs; so that every time somebody walked into a doctor's office and was reimbursed under Medicare, that bill, whether it was for a flu shot or whether it was for serious disease issues, would have been taken and passed directly to our children rather than paid for today, as it should have been. So it was a totally irresponsible act to try to increase the debt by $300 billion in order to take care of the doctors fix. But that was what was attempted. Fortunately that failed. At least as of yesterday it failed.

There was bipartisan appreciation in the Senate. All of the Republicans voted against doing that, and 12 Democrats and 1 Independent voted against doing it, and that was good. That was a good sign to the American people that maybe we are finally taking the deficit and the debt seriously.

The reason I wanted to speak today on this matter is because we are getting some significant warning signs, some flashing yellow lights that are moving from yellow, maybe, to red from the world community that we better do something about our debt and our deficit or the world community is going to react to it.

About 4 months ago now the Chinese, who are the primary owners of our debt—in other words, when we spend $1.4 trillion more than we have in a year like we did last year or we spend $1 trillion more than we have every year for the next 10 years as is being

proposed by the President, we have to get that money from somewhere. We have to borrow it from somebody. Someone has to be willing to lend us that money, that $1 trillion, that $1.4 trillion.

Well, the countries that have that type of money and are willing to lend it to us are countries such as China and Russia and Saudi Arabia. They have surpluses in their economies. They are not running deficits in their governments, so they have surpluses. They have, historically, at least over the last few years, been willing to buy our treasuries, our notes to finance the government operation in the United States.

About 4 months ago the leadership of the Chinese Government said: Well, we are getting a little concerned. We are still going to buy American treasuries. We are still going to help you finance your deficit. But you have to do something about this because we are concerned about the value of what we are buying. We are concerned that those IOUs we are buying from you may not be worth what we are paying for them on face value if you continue to run your deficit that you have.

That was a fairly large warning sign from a country which obviously has not historically been close to us but which is one of our largest trading partners, and which is, whether we like it or not, buying up all of this debt when we run these massive deficits, or a lot of this debt.

Another warning sign came at us when the dollar, which has historically been the reserve currency of the world—in other words, countries hold dollars in order to maintain their own structure of reserves for their countries. The dollar started to be discussed as maybe not the best reserve currency, and there have been a number of rumors and some representations by some Finance Ministers around the world that people might not want to use the dollar any longer as their reserve currency. They may want to use some other currency—maybe the euro or some basket of currencies, maybe the euro, the yen, or maybe just use commodities or maybe use IMF drawing rights, a whole series of different ideas.

What does that reflect? That reflects that people are not too confident in our future ability to maintain and defend the value of the dollar. Why are they not confident about that? Well, they are not confident about it because they are looking at the deficits we are running. They are looking at the debt we are piling up, and they are saying: Hold it. How are you going to pay all of that off? If you put $13, $14, $15, $16 trillion worth of debt on your Nation, if you take your public debt from 38 percent of GDP up to 80 percent of GDP or more, how are you going to pay that off, United States?

That is a legitimate question because there are only a few ways it can be paid off. One of them, unfortunately, is by using inflation, and that devalues the dollar and it devalues all of that debt people have bought. That is why we are hearing more and more that people, first, are worried about using the dollar as their reserve currency because they do not want to see its value drop; and, secondly, they are worried about buying our debt.

So we are getting some serious caution lights from the international community about the fact that we are running these massive deficits and this massive debt. Just yesterday, I think one of the most serious caution lights came out because there are groups in this world, small groups of people—Moody's and Standard & Poor's—who basically look at the currencies and the debt of various nations and they do that also for companies and they rate the debt. The rest of the world's financial activities look at those ratings because they are considered to be of very high caliber and very high standard. They allow people in other places to be able to assess the value of the debt they might want to buy.

So if you want to buy debt from XYZ country, you look at Moody's or Standard, that has taken a hard look at that country's debt, evaluated it, and they will tell you whether it is rated AAA, AA, A. That determines how much it is going to cost a country to lend to you. That will determine the amount of interest rate on that debt because if it is not AAA, which is the best rated debt, then people are going to be less likely to invest in it. If they do invest in it, they are going to want a higher return because they are going to be at bigger risk because they know that debt might not be paid back. If it is paid back, it might be paid back in devalued dollars or devalued currency of that country.

So, historically, American debt, the Treasury note, has been the gold standard for the world. In fact, it is technically the gold standard. Most people use it as the reserve fund. When the world went off the gold standard, the dollar basically became the way people maintained and conserved their assets. They would invest in Treasury notes and know that the treasuries were always safe. It was always determined that Treasury notes were safe because the United States always was going to pay back its debt.

So the United States has always had a AAA rating. That is hugely important to us as a nation. It is hard to appreciate as just an ordinary American going to work every day and trying to make ends meet that the AAA rating of the United States is important to them, but it is. It affects everything in this country that has to do with credit.

If the United States were to lose its AAA rating, all credit would go up, and the costs in this country. It would be much harder to buy a house because the interest rates would be higher. It would be harder to buy a car because the interest rates would be higher. It would be harder to send a child to college because the interest rates would be higher. Everything is tied to the fact that treasuries have AAA ratings. It has always been presumed that they would.

In the post-World War II period, it has always been presumed that the United States, the strongest economy in the world, the most vibrant economy in the world, would always have the gold standard for the debt it issues, that it would always be a AAA-rated event. Well, as a result of our profligate nature as a country and as a Congress, as a result of having run up these massive deficits, we are getting a very large yellow flashing light from the rating agencies.

They are saying this—this was an October 22 news report from Reuters:

> The United States, which posted a record deficit in the last fiscal year, may lose its AAA rating if it does not reduce the gap to a manageable level in the next 3–4 years.

That is according to Moody's Investors Service.

> The AAA rating of the United States is not guaranteed.

Steve Hess, Moody's lead analyst for the United States, said in an interview on Reuters Television:

> So if you do not get the deficit down in the next 3–4 years to a sustainable level, then the rating will be in jeopardy.

Those are words that should make us in the Congress pause because they are directed right at us. The most sophisticated and important evaluator of America's deficit situation and debt, Moody's ratings service, is saying if we as a Congress do not do something within the next 3 to 4 years to bring our debt under control, and our deficits down, we may jeopardize the AAA rating of the United States.

I can think of nothing that would be more irresponsible for a Congress to do to the American people than to jeopardize and put at risk the AAA rating of this country. Maybe only after disarming ourselves in the face of a potential terrorist threat or the use of a weapon of mass destruction, I can think of nothing which would have a larger impact on our populous than for the Congress to put in place fiscal policies which would jeopardize our ability to sell bonds, American debt around the world at a reasonable price, and put at risk the value of the dollar and the status of the dollar as the reserve currency of the world, as a result of putting at risk the AAA rating of our bonds.

That is exactly what we are doing. This gentleman, Mr. Hess, said we have to, within the next 3 or 4 years, put in place a manageable plan, a realistic plan, that will address the deficit and debt of the United States.

Are we doing that now? We are doing just the opposite. Just yesterday this Congress tried to pass $300 billion of new debt for ordinary expenses, for daily expenses of paying doctors. We were going to give an IOU to our children and our grandchildren 5, 10 years from now. Total irresponsibility.

Last week it was the White House suggesting we do the exact same thing in Social Security for $13 billion. A couple of months ago we did the same thing on cash for clunkers for $5 billion. A budget was passed by this Congress, which does it for the whole Nation—it creates $1 trillion of unfunded liability and deficits for the next 10 years every year.

Now we have this health care bill coming at us, which is going to increase the size of the government by $1 to $2 trillion, which is represented that it is paid for, but that is only because they phase in the expenses 4 years after they phase in the income and thus are able to match 10 years of income versus 6 years of expenses. So they claim it is paid for.

When the bill is fully phased in, it will not be paid for. It is going to be a huge cost to the Federal Government, and even if it were paid for, it would be taking massive resources in the area of Medicare by $400 billion and it is going to raise fees by $500 billion. Instead of using those resources to reduce the debt, it will use them to create a brand new major entitlement at a time when we have on the books entitlements which we can't afford today.

Medicare has a $34 trillion unfunded liability. Yet we will add a new major entitlement on top of Medicare and Medicaid, and we will pay for part of it by cutting Medicare. Still, instead of cutting Medicare for the purposes of paying for that, we should be using Medicare savings for the purposes of making Medicare solvent. We should not be growing the government. We are going to do a $1 to $2 trillion increase in the size of government. I will absolutely guarantee that that will not be fully paid for and that a large percentage of that will go to our debt.

On top of having deficits which are already projected to be a trillion dollars a year for the next 10 years, we are seeing a Congress which is being incredibly spendthrift in its approach to all sorts of areas: $300 billion to pay doctors, new debt; and who knows how much out of this health care bill. I am willing to bet the family farm that it will be well over a trillion dollars of new debt when it is fully phased in; new programs in the area of Social Security, which is already bankrupt, unpaid for, added to the debt; new programs for this favorite group, cash for clunkers or whatever the issue is of the day. We are totally out of control on the spending side of the ledger.

It is not a revenue issue. It is a spending issue. Revenues have historically been about 19 percent of GDP. Spending has been about 20 percent of GDP. But under the budget which we have been given, independent of the health care bill, spending goes from 20 percent of GDP up to 23 percent. And when we throw in this health care bill, we are heading toward 24, 25 percent of GDP. Revenues, if they maintain their historic levels once the recession is over, go back to 19 percent of GDP, but we still have a 6 to 7-percent gap because spending has gone up so much.

I appreciate the fact that this administration comes with a philosophy—and they won the election—that we create prosperity by growing the government. The President said that. People around him said that. Members on the other side of the aisle say that. We create prosperity by growing the government. But we don't create prosperity if we let the government grow so fast that it can't be paid for. Government cannot be allowed to grow any faster than it can be paid for. In my opinion, prosperity doesn't come from the government to begin with. Prosperity comes from entrepreneurs who are willing to create risks and create jobs. Independent of that philosophical debate, the simple fact is, if we allow government to grow a lot faster than we have the capacity to pay for it, we create debt. It is that debt and these independent people looking at that debt who are giving us these massive caution lights and saying: Slow down, get your house in order.

People who are buying our debt around the world are saying it. People who use the dollar as reserve currency around the world are saying it. And now Moody's, the clear, independent arbiter of what the value of debt is and what its likelihood of repayment is, is saying it in the most stark way. The AAA rating of the United States is not guaranteed, Steve Hess of Moody's, said. So if they don't get the deficit down in the next 3 to 4 years to a sustainable level, the rating will be in jeopardy.

We need to heed those words. We need to get some discipline around here, and we need to stop having proposals which dramatically increase the size of the government and continue to put us on a path where we pass debt on to our children which will cause them to have a much lower standard of living than we had and which will cause them to be unable to send their children to college, to buy their first home and afford a car, because they will be confronting a nation where the debt is absorbing so much of the productivity of the economy or where inflation has basically priced them out of the markets.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I rise in opposition to the hate crimes provision inserted in the Defense authorization conference report, first, of course, because hate crime legislation has nothing to do with the Defense Department or with national security. Hate crimes actually have nothing to do with crimes or with hate. It is very cynical that this bill that funds our soldiers, who are fighting for our Constitution and our country, actually undermines the very principles they are fighting for.

There are many practical problems with hate crimes legislation. The broad language will unnecessarily overextend Federal law enforcement personnel. It will undermine the effectiveness and confidence of local law enforcement. It will create conditions for arbitrary and politicized prosecutions of certain cases.

I wish to focus on the basic, fundamental problems with any Federal hate crimes legislation. The rule of law requires opposition to this principle or this idea that we treat crimes differently. Let me first state the obvious. Hate crimes are wrong. That is why they are already illegal. That is why they are already prosecuted. That is why the rights of victims are defended by law enforcement authorities at every level of government.

Strictly as a matter of justice, the hate crimes provision in this report is offensive. It suggests that violence committed against certain kinds of victims is worse, more in need of Federal intervention and swift justice. I am sure most parents of a minority, a homosexual or female victim would appreciate the extra concern, but the other side of the coin is the implication that these crimes committed against a nonspecial person should have less punishment. Where does that leave the vast majority of victims' families who, because of the whims of political correctness, are not entitled under this legislation to special status and attention? How can a victim's perceived status or the perpetrator's perceived opinions possibly determine the severity of a crime?

The 14th amendment explicitly guarantees all citizens equal protection under the law. But these hate crime provisions create a special class of victims whose protection of the law will be, in Orwell's phrase, more equal than others. If some are more equal than others, some must be less equal. It is, then, inevitable that this hate crimes provision will create the very problem it purports to solve.

This provision will also move our Nation a dangerous step closer to another Orwellian concept: thought crimes. It would criminalize certain ideas, and those ideas' involvement in a crime will make the crime more deserving of prosecution. The problem, of course, is that politicians are claiming the power to decide which thoughts are criminal and which are not. Canadians right now live under this kind of regime where so-called human rights commissions, operating outside the normal legal process, prosecute citizens for espousing opinions the commissioners disagree with. Today in the United States only actions are crimes. If we pass this conference report, opinions will become crimes. What is to stop us from following the lead of the European countries and American college campuses where certain speech is criminalized? Can priests, pastors, and rabbis be sure their preaching will not be prosecuted, if it says certain things are right and wrong? Again, in Canada, for instance, Pastor Stephen Boissoin

was so prosecuted by Alberta's Human Rights Commission for publishing letters critical of homosexuality. Or will this provision serve as a warning to people not to speak out too loudly about their religious views, lest Federal agents come knocking at their door? What about the unintended consequences such as pedophiles and sex offenders claiming protected status under this provision as being disabled? There is no such thing as a criminal thought, only criminal acts. Once we endorse the concept of thought crime, where will we draw the line? More importantly, who will draw that line?

Under existing law, if my own children were attacked in a violent crime, justice would demand that their attackers be pursued no more or less than the attackers of any other children. We all say we want a color-blind society, but we cannot have a color-blind society if we continue to write color-conscious laws. Our culture cannot expect to treat people equally if the law—if our ruling class—treats citizens not according to the content of their character but according to their race, sex, ethnic identity, or gender identity.

I urge my colleagues to consider the implications of what we are doing, the raw cynicism of attaching this type of controversial legislation to a bill that funds the defense of the country. What type of legislative extortion will they consider next? I have the choice here to vote for hate crimes legislation that I believe would undermine the very justice system of the country or to vote against the defense of my country. I don't think we could be more cynical.

I urge colleagues to oppose this conference report unless and until the principle of equal justice is upheld and the report's hate crimes provisions are removed.

I yield the floor and 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. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. Madam President, I would like to make a few comments about the Defense authorization conference report, which we will vote on, presumably, later this afternoon.

First, I wish to express my appreciation to the conferees for fighting for legislation we passed out of the Senate but which was not included in the House version of this bill. This legislation is contained in sections 575 through 589 of the conference report, and it is called the Military and Overseas Voter Empowerment Act—or the MOVE Act—and it addresses a national disgrace.

Our military servicemembers, we know, put their lives on the line for us every day to protect our rights and freedoms. Yet too many of them who are deployed overseas face many stumbling blocks and hurdles as they attempt to cast their votes and participate in our national elections.

In 2008, more than a quarter of the ballots requested by uniformed and overseas voters went either uncollected or uncounted—a quarter of the ballots—according to a recent survey of seven States with high military populations.

Another recent study by the Heritage Foundation documented the problems during the last election cycle. They looked at 20 States with large military populations and concluded that as many as three-quarters of our troops and their family members were ''disenfranchised by their inability to request an absentee ballot'' and that as many as one-third of the ballots that were requested never reached the appropriate election officials to be counted on a timely basis.

Voting has remained a challenge for our troops and their families for many reasons. One is our election laws are varied from State to State and they are very complex. We also know that multiple levels of government bureaucracy are involved—from the local level, to the State level, to the Federal level. We know election challenges and other unforeseen events can delay the finalization of ballots. We know, with the high tempo of military operations, frequent deployments for our troops and their families make it hard for them to exercise their most fundamental civil right, which is the right to vote.

What this legislation does—the MOVE Act—is address several of the biggest roadblocks our troops and their families face when attempting to vote.

First, the MOVE Act reduces the reliance on ''snail mail'' for correspondence between election officials and our troops.

Under current election laws, many troops must, first, mail a request for an absentee ballot. Then they have to wait for the election officials to mail them the blank ballot. Then they must mail the completed ballot in time to be counted.

This legislation requires election officials to create electronic blank ballots and to post them online to cut down on some of these steps. Election officials must allow the use of faxes and e-mails to expedite correspondence with our troops. Together, these reforms will reduce dependence on snail mail—until the servicemember is ready to return the completed ballot to be counted.

Second, the MOVE Act will expedite the return of the completed ballot to elections officials. Under current law, each servicemember is responsible for making sure his or her ballot is postmarked and returned on time. Our legislation—this bipartisan legislation—requires the Department of Defense to take possession of completed ballots and ensure they get to election officials on a timely basis by using express mail, if necessary. This legislation will also require election officials to give our troops at least—at least—45 days in which to return their ballots.

The MOVE Act contains many other commonsense reforms that were suggested by other Senators and which will help end the effective disenfranchisement of our troops and their family members. However, one key provision of the bill we passed out of the Senate was modified in conference, and I believe all Senators should understand why and how that happened.

The provision I am referring to was in the bill I introduced called the Military Voters' Equal Access to Registration Act. It too became part of the MOVE Act and was amended to the Defense authorization bill as it passed out of the Senate. This legislation was designed to provide basic voting assistance services to every servicemember and family member upon transfer to a new military installation, as well as at other significant transition points in their military careers.

As part of in-processing at each base, every servicemember was to be offered an opportunity to fill out a simple form that would, first, register the servicemember or that family member to vote; it would, secondly, update existing registrations; and it would request absentee ballots for the next Federal election cycle. The Department of Defense would have then been responsible for forwarding the completed forms to the appropriate election officials.

This kind of voting assistance may sound familiar because it is nearly identical to the motor voter provisions contained in the National Voter Registration Act. The logic is that military installations can and should offer the same kind of voting assistance that their local department of motor vehicles would offer to them if they lived at home stateside.

This legislation makes practical sense because many of our troops and their families are transferred quickly and without much notice, and it is difficult for them to keep changing the address that local officials have on file.

During the conference process, when we were working with our counterparts in the House of Representatives, this legislation was watered down, unfortunately, and was made optional for the Department of Defense to offer voting assistance to our troops and their families.

I have to say, I was disappointed at this action because when our troops are given orders to deploy elsewhere, obviously, those orders are not optional and neither should the requirement of the Department of Defense when it comes to helping make sure our deployed troops' votes actually count. So it should not be optional for the Department of Defense to offer these services to the troops and their families when they arrive, as ordered, at their new post.

I am particularly concerned this legislation was weakened at the specific

request of the Department of Defense. Furthermore, the Department's objection was based on a misreading of the National Voter Registration Act. In fact, at our request, the Department of Defense's objections were reviewed by subject matter experts at the Department of Justice. These experts at the Department of Justice agreed with us on the clear meaning of the law and that the Department of Defense had made an error in interpreting the Senate bill. Unfortunately, by then the damage was done and House conferees deferred to the Department of Defense interpretation of this legislation and made it optional at their request.

I do not think the Senate should be content to kick a field goal when we could have scored a touchdown for the men and women of our U.S. military—and we will.

First, I expect the Department of Defense to implement this optional program at every applicable military installation. I will request regular updates from the Department on its implementation, as well as any explanation for delays. We will not let up until we make sure this is complied with.

Secondly, I expect the Department of Defense to correct the official record and to make clear to the Members of the House and the Senate who were conferees that its objection to this legislation was based on an erroneous interpretation of the law.

Third, I intend to offer amendments to other legislative vehicles to correct this watering down of this important provision—the language passed out of this Chamber unanimously—and I will continue to make sure it becomes ultimately the law of the land.

The provisions of the MOVE Act that did make it through conference, I do believe, represent a clear win for our troops and their families. Many of my colleagues were instrumental in making this happen, and I thank all of them. Again, this was a bipartisan effort.

However, my colleagues in the conference also included language in the Defense authorization bill which clearly does not belong in this bill and which I do not support. I refer, of course, to language addressing so-called hate crimes in the conference report.

I, in a previous life, was a judge for 13 years and attorney general of my State after that. I believe very firmly in the concept of equal justice under the law, and I believe crime should not be treated differently based on the victim of that crime. I have had the privilege of working with many victims of crime and their families, and I share their determination that those who commit crimes should be delivered swift justice and be held accountable.

But a fair justice system, committed to equal justice under the law, does not distinguish between crimes based on race, gender or whatever the category that is included in a particular list. A fair justice system, committed to equal justice under the law, does not criminalize thoughts or perceptions. It criminalizes behavior. In this country, a fair justice system, committed to equal justice under the law, is based on federalism, one which respects that State and local law enforcement and prosecutors are doing their jobs fairly and responsibly.

Expanding hate crimes legislation should not be part of this conference report. Not withstanding this flaw in the bill, I will vote for the conference report but with this reservation. The hate crimes provision does not belong in the bill and I believe violates our national commitment to equal justice under the law.

I yield the floor and 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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

(The remarks of Mr. BROWN are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

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

COLQUITT REGIONAL MEDICAL CENTER'S 70TH ANNIVERSARY

Mr. CHAMBLISS. Madam President, I rise today to commemorate the 70th anniversary of Colquitt Regional Medical Center in my hometown of Moultrie, GA. For seven decades, residents of southwest Georgia have been fortunate not only to have a state-of-the-art facility but also to be served by a hospital that has boasted visionary leadership.

Back in 1935, the Public Works Administration approved $50,000 for a new hospital in Moultrie, but only if the community could match those funds. That is when Moultrie businessman W.C. Vereen stepped up and pledged $50,000 and, in turn, made his offer contingent on the community matching his funds. Thereafter, a grassroots campaign to build a hospital was born, at a total of $140,500—a very significant amount of money in those days.

On October 17, 1939, the Vereen Memorial Hospital was dedicated, and the first operation was performed a week later.

From those humble beginnings, the now-rechristened Colquitt Regional Medical Center has grown into a comprehensive health care facility, boasting medical services that include dialysis, physician offices, oncology, and a home health care component, among others.

It speaks volumes about the community, the camaraderie, and the success of Colquitt Regional Medical Center to know that in 70 years, this hospital has had only four CEOs, and the first one only served for 2 years.

Its first two CEOs—Pierina Egan and Nora Manning, both of whom obviously were female—in addition to dealing with the day-to-day challenges of managing a hospital, also had to contend with growing the facility and coping with a doctor shortage brought on by World War II.

Ms. Manning was succeeded by Millard Wear, who served as CEO for 14 years and oversaw the creation of a brandnew 126-bed facility.

In 1982, Mr. Wear was succeeded by the very able Jim Lowry, who continues to head the hospital to this day. Under Mr. Lowry's tutelage, Colquitt Regional Medical Center has become a force to be reckoned with in physician and specialist recruitment. It has also undergone four expansion projects and added off-campus facilities, making it a truly regional endeavor.

In 1992, Colquitt Regional Medical Center was named the Georgia Hospital Association Rural Hospital of the Year. In 2007, it received the hospital association's Community Leadership Award. It has consistently performed at the top of Georgia's hospitals in patient satisfaction.

On a personal note, my son Bo was born at Colquitt Regional. I have had the unfortunate situation of needing five surgeries at Colquitt Regional but was very fortunate to be treated by the very finest doctors our country has to offer and a very skilled and excellent group of nurses. All of the employees and operators at Cochran Regional—from the professionals, the administration, as well as the day-to-day personnel, including our pink ladies, who are our volunteers—do an outstanding job of making this hospital a truly fine medical facility serving a very broad area in the rural southwest part of my State.

The folks at Colquitt Regional Medical Center do a tremendous job in serving the community. In fact, they also constitute a large part of our community in southwest Georgia, and we are thankful to have them in our midst. I congratulate Colquitt Regional Medical Center on 70 wonderful years of service.

With that, Madam President, I yield the floor.

Mr. FEINGOLD. Madam President, I oppose this legislation because it does

nothing to bring our open-ended and disproportionate military commitment in Afghanistan to an end and/or to ensure that our troops are safely and expeditiously redeployed from Iraq. I am concerned that our current military strategy in Iraq and Afghanistan may undermine our ability to combat al-Qaida while imposing a tremendous burden on our brave servicemembers and on American taxpayers.

This bill includes several important provisions, including provisions I authored that will help improve care for wounded warriors and the hate crimes legislation that was first introduced over 8 years ago. But I cannot support a bill that does not do enough to protect our country from our top national security threat, al-Qaida.

Mr. SCHUMER. Madam President, I rise today to address the Military and Overseas Voter Empowerment Act of 2009—the MOVE Act. Since its inception, the MOVE Act has garnered strong bipartisan support, and today we celebrate its passage as part of the National Defense Authorization Act.

I want to recognize the importance of this Act and also to acknowledge my partners in this effort especially my friends and colleagues, Senator SAXBY CHAMBLISS, Senator BEN NELSON, Senator BOB BENNETT, and Senator JOHN CORNYN. I would also like to thank Senators LEVIN and MCCAIN and their staffs, as well as the House and Senate conferees for their time, support, and work to ensure that the provisions of the MOVE Act were included in the conference report.

Every now and then an opportunity emerges to work on an important issue with a team of colleagues towards a single goal. This bill provided one such opportunity, and I am extremely pleased to have worked with such a committed team. This legislation is a bipartisan solution to a serious, yet all too familiar problem—the problem of military and other overseas voters not being able to cast their vote and have that vote counted.

Every couple of years there is a great push to improve the process of military and overseas voting. However, as soon as the election is over, Congress too often neglects to push for improved rights for military voters. That neglect is over. The needs of military and overseas voters have been heard, and met, with this legislation.

While the need for Congress to act is now, this is not a new problem and we are not the first to identify the problem and attempt to deal with it. The first revolution in military voting rights occurred not when our soldiers were overseas. It occurred during the Civil War. At that time, the right to vote was provided by the Constitution, and soldiers from both the Union and the Confederacy depended on State law to determine whether they could vote ''in the field'' during wartime.

According to historians, there were two methods of voting then. In the first system, a closed ballot box was taken to the field of battle, the ballots were cast there, and the box returned to the jurisdiction. States at the time questioned whether the act of voting outside their jurisdictions could be authorized by State law.

Other objections to voting ''in the field'' were heard when a State constitution prescribed the place, time and manner of elections; and if military voting was conducted prior to Election Day, whether early voting would violate State constitutions.

The second type of voting was known as ''proxy voting.'' A soldier's completed ballot was mailed to someone, such as a family member, in the soldier's regular place of voting. This completed proxy vote would then be delivered on Election Day. My home State of New York used the proxy vote procedure during the Civil War. While proxy voting avoided the constitutional problems of voting ''in the field,'' it was subject to other problems: the lack of a secret ballot; the transmission of the proxy ballot to the place of voting, and concerns about fraud.

Given the pressure to ensure that soldiers' rights were not diminished by their service, States in both the North and South passed laws to allow for voting for Federal office. President Lincoln, in addition to presiding over the War Department's filing of the first military voting regulations on October 1, 1864, intervened with his generals directly to ensure that those soldiers who could vote be given that right.

In an 1864 letter to GEN William Rosecrans, President Lincoln wrote these stern words: ''I have a report that you incline to deny the soldiers the right of attending the election in Missouri. . . . Wherever the law allows soldiers to vote their officers must also allow it.''

Eighty years later, with the country locked in the crisis of the Second World War, President Franklin Delano Roosevelt sent a very pointed Message to the United States Congress on the same issue. It begins: ''The American people are very much concerned over the fact that the vast majority of the eleven million members of the armed forces of the United States are going to be deprived of their right to vote in the important national election this fall, unless the Congress promptly enacts adequate legislation. . . . The men and women who are in the armed forces are rightfully indignant about it. They have left their homes and jobs and schools to meet and defeat the enemies who would destroy all our democratic institutions, including our right to vote. [They] cannot understand why the fact that they are fighting should disqualify them from voting.''

President Roosevelt foreshadows the issues we are still fighting to fix when he further advised Congress:

By the 1944 elections, there will be than five million Americans outside the limits of the United States in our armed forces and merchant marine. They and the millions more who will be stationed within the US waiting the day to join their comrades on the battle-fronts, will all be subject to frequent, rapid, and unpredictable transfer to other points outside and inside the United States.

He concluded by arguing that ''. . . What is needed is a complete change of machinery for absentee balloting, which will give [the armed forces] all over the world an opportunity to cast their ballots without time-consuming correspondence. . . .''

I am subjecting us all to a bit of a history lesson here because I believe this is a very fundamental—and yet unresolved—issue facing our military and our system of elections. We meet again, 65 years after President Roosevelt's Message to Congress, and 145 years after President Lincoln's directive to let soldiers vote, to again address fundamental improvements to military and overseas voting.

Building on the tools already in law, this legislation creates a system of improved access with multiple fail-safes built into the process. We use new technology to create more options for registration and ballot delivery, and at long last provide enough time for the military service men and women to vote. The lost letter, the late delivery, the ballot not notarized, and the last-minute troop transfer should no longer impede these voters from having their votes counted.

What we did in the Military and Overseas Voter Empowerment Act will have a direct and dramatic impact on the rights of military voters.

In May 2009, I chaired a hearing in the Committee on Rules and Administration on the problems that military and overseas voters face. What we heard was nothing short of shocking.

We learned that during the 2008 general election, our military and overseas voters still faced a complicated and convoluted system that made it impossible for many of them to have their votes counted.

The committee convened a study of last year's election, which revealed that more than one in four ballots requested by military and other overseas voters were never received by local election officials and, thus, never counted. Let me repeat: one in four ballots requested were never counted. We owe our men and women in uniform more. Does it make sense that they are fighting for the very freedoms that we enjoy, yet are unable to choose their Commander in Chief? No, it does not.

If we can deploy tanks, high-tech equipment, and food to the front lines, we can figure out a way to deliver ballots to our troops so that they can be returned and counted.

The MOVE Act does precisely that, correcting many of the flaws that riddle the absentee balloting process for overseas voters.

By modernizing the voting process, increasing accessibility to voter registration and balloting materials, and requiring election officials to send out

ballots to military and overseas voters in time for them to be returned and counted, this legislation—at long last—brings overseas voting into the 21st century.

Consider a letter one soldier sent to the Overseas Vote Foundation after the 2008 election, in which that solider said: ''I hate that because of my military service overseas, I was precluded from voting.'' That solider continued, ''Of all people, deployed servicemembers should have a guaranteed ability to vote.''

I say here on the floor of the Senate that I absolutely agree.

The MOVE Act will ensure that military and other overseas voters know how to register to vote and how to request an absentee ballot. They will receive their ballot in a timely manner, and have that ballot counted on election day.

How did we accomplish that goal? Through a number of simple, straightforward fixes to the overseas voting process:

First, this legislation gives the right to military and overseas voters to request—and requires States to send—registration materials, absentee ballot requests, and blank absentee ballots electronically. In the computer age, it is long past time we used technology to speed up the voting process. For many troops, this quick transmission of ballots will give them for the first time a sufficient number of days to vote.

Second, this legislation ensures that overseas voters have at least 45 days to complete their absentee ballots and return them to election officials. For those voters who have no access to electronic delivery of ballots, this should provide the time for a ballot to travel to Iraq or Afghanistan, and back to the local election official. This need was exposed by a 2009 Pew Charitable Trusts study aptly named ''No Time to Vote.''

This legislation also requires that military absentee ballots be sent through expedited mail procedures, further reducing the transmission time for voted ballots to make it back to local election officials.

In the Rules Committee hearing, we listened to the concerns of Air Force LTC Joseph DeCaro. One major concern he described was that there was no way to ensure that the ballots had been properly received by the election office. This legislation will allow military and overseas voters to determine whether their ballot has been received by the local election official. That way, if their ballots are not received, the voters can take steps to ensure a replacement vote is cast.

If a ballot is lost, or cannot be resent in time, we require the Department of Defense to create an online tool that allows military and overseas voters to identify all the races they are qualified to vote for, and submit a replacement ballot immediately. This ensures that troops can complete a full Federal ballot in time for the election.

The legislation prevents election officials from rejecting overseas absentee ballots for reasons not related to voter eligibility, like paper weight or notarization requirements. I ask you, how can a marine in Fallujah find a notary?

The legislation has the Department of Defense work with election officials to define and improve election data related to military and overseas voters. More accurate election data will reduce future problems and speed fixes to the voting process.

Finally, this legislation expands resources for overseas voters through the Federal Voting Assistance Program.

As a result of this new legislation, the Department of Defense will use online tools to train and inform its staff on crucial voting information. And all military servicemembers will receive uniform notices and information via e-mail prior to registration or election deadlines.

Finally, this legislation directs that every military installation have a place where soldiers can register to vote, update their registration information, and request an absentee ballot. Military voters, as they are transferred or reassigned to different bases, will be provided the opportunity to change their election information.

We also know that that there are improvements still to make. A pilot project included in the legislation will promote research into new technology to help assist future voters with absentee balloting. The tools and mandates set forth in this legislation are minimum requirements. And if technology can improve secure ballot transmission, we want that work done.

Again, it is simply unacceptable that those who fight to defend our freedom often face the greatest obstacles in exercising their right to vote.

While good work has been done in the past to improve military voting, I firmly believe that the MOVE Act has incorporated the best and strongest ideas on how to ensure a modern military receives every opportunity to cast their ballot. Working with States and local election officials, we must encourage prompt implementation of the MOVE Act so that the benefits of the act will impact voters in the 2010 elections.

In our Rules Committee hearing this May, I made the public commitment that we would not have another Federal election without these tools in place for our military voters, and I am very pleased that this act was agreed to by the House and Senate. I again thank our colleagues in this truly bipartisan effort, and I look forward to President Obama's signature on this important piece of legislation.

Mr. LIEBERMAN. Madam President, I rise today to speak on the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

As a member of the Senate Armed Services Committee and the chairman of its Subcommittee on Airland, I had the honor and pleasure again this year of working with Chairman LEVIN and Senator MCCAIN on this bill. I congratulate them for working with their House counterparts, Chairman SKELTON and Representative MCKEON, to deliver a bill that will help keep our Nation safe and provide our troops with the support they deserve.

I also wish to thank Senator THUNE, who is my ranking member on the Airland Subcommittee, and Chairman ABERCROMBIE and Representative BARTLETT of the House's Air and Land Forces Subcommittee, for the close cooperation we achieved this year on the areas that fall under our shared jurisdiction.

There are several accomplishments in this bill of which I am especially proud.

This bill will increase the authorized size, known as end strength, of our active duty Army from 532,400 to 562,400 for fiscal year 2010, and further authorized the Secretary of Defense to increase the Army by an additional 30,000 soldiers in fiscal years 2011 and 2012. This growth in the Army is essential—our soldiers are under incredible strain from multiple tours in Iraq and Afghanistan, oftentimes with little more than a year at home to rest and train for every year that they spend in theater.

I applaud the President's decision this July to add 22,000 soldiers to the Army, and call upon him to use the authority provided in this bill to do more. We must ensure that our Army is large enough for all the missions we ask of it, and also give our soldiers the time they need at home to rest, train, and be with their friends and families.

With regard to missile defense, this bill includes an amendment that Senator SESSIONS and I, along with a bipartisan group of cosponsors, introduced to ensure that the administration's new architecture for missile defenses in Europe will be as capable as the previous plan that was set aside. I believe that this section of the final bill, paired with section 8121 of the Senate version of the Defense Appropriations Act, which protects funding for the continued development of the two-stage ground based interceptor, will help to keep our Nation safe against Iran's aggressive missile programs.

This bill also makes critical investments in our Nation's sea power. It authorizes $4.2 billion for Virginia-class submarines, which will be procured at the rate of two per year from 2011, and $495 million for the research and development of a replacement to our aging Ohio-class strategic deterrence submarines. I am very proud of the skilled workers of my home State of Connecticut who build these essential submarines.

Turning to the Army's modernization programs, the final version of this bill supports the decision by the Secretary of Defense and the Army's leadership to restructure the FCS program. This

bill will provide full funding for the ''Spin Out'' portions of that program and the continued development of the network. I look forward to working with Senator THUNE in the coming year to evaluate the Army's revamped strategy for developing and procuring ground combat vehicles for our soldiers.

There is one element of this bill with which I must express my deep disappointment—the inclusion of $560 million in funds for the continued development and procurement of an alternate engine for the F–35 Joint Strike Fighter.

When the President introduced his plans for reducing spending in the budget this May, he specifically pointed out the alternate engine as the singular example of programs that ''do nothing to keep us safe—but rather prevent us from spending money on what does keep us safe.'' He continued to say ''the pentagon does not want—and does not plan to use—the alternative version'' to the engine that it already has for the Joint Strike Fighter.

Since the President's initial comments on this unnecessary and wasteful program, the Secretary of Defense and the uniformed military leadership have explained exactly why they do not want this unnecessary, alternate engine. It is because they know the danger this earmark poses to the Joint Strike Fighter, which is planned to be the cornerstone of American air power for decades to come.

If Congress forced the Defense Department to continue paying for an alternate engine, it would cost an additional $4 to $6 billion over just the next 5 years—billions of dollars that the Department has not planned for, and that would either have to come from the Joint Strike Fighter or other critical programs to keep our country safe.

If Congress forced the Defense Department to procure the alternate engine that it does not want, it would prevent the Joint Strike Fighter program from achieving economies of scale for years to come, as it split its procurement to maintain two manufacturing lines. The costs of the program would rise, along with the risk that it will never deliver the aircraft that our Nation requires.

When he testified before the Senate Armed Services Committee in June, Air Force LTG Mark Shackelford explained that these added costs would mean that the Air Force would be able to afford some 53 fewer of the Joint Strike Fighter aircraft that it needs to support our airmen.

In response to the President's strong arguments and the concerns of our military leadership, the Senate put this question to a vote in on July 23, deciding by a vote of 59–38 to end the unnecessary, alternate engine. Although the House never took similar action on this topic, the Senate receded to its position in conference.

I call upon President Obama to send a clear message to our colleagues on the Appropriations committee—that he will veto an appropriations bill that includes funds for this unnecessary program. Fifty-nine Members of this body stood by the President when he first called upon us to end this program, and I am sure that we will stand by him again.

Despite this strong reservation, I call upon my colleagues to vote for the adoption this conference report and again thank my colleagues on the Armed Services Committee for their hard work on behalf of our service men and women.

Mr. DODD. Madam President, I rise to speak about the fiscal year 2010 National Defense authorization bill. Although I believe this to be a flawed piece of legislation, I will support it because it provides critical resources, training, and equipment to our troops serving overseas. It adds 30,000 soldiers to our Army, lightening the strain of rigorous deployment cycles. And it provides a 3.4-percent pay raise for our men and women in uniform—not enough, in my view, but welcomed nonetheless. It also authorizes various facility upgrades for our troops, including $9 million to begin construction of an Air Operations Command Center at Bradley International Airport in my State of Connecticut. I commend my colleagues from Michigan and Arizona for their hard work on this bill.

I would also like to take a moment to offer my strong support to the hate crimes prevention amendment. I am also proud to be an original cosponsor of the underlying legislation, the Mathew Sheppard Local Law Enforcement Hate Crimes Prevention Act of 2007, and I only wish that my dear friend, the late Senator Kennedy, could be here with us today to see this topic that was so important to him, finally be considered for final passage. This legislation is truly historic and is long overdue. Hate crimes sow discord and threaten entire communities. They are a particularly virulent form of violence, and that is why a broad consensus supports reacting to crimes motivated by bias with swift investigations and strong penalties. However, the special nature of hate crimes often makes those investigations particularly difficult, especially for small, local police departments. Passage of the bill before us will bring more criminals to justice by making it easier for the federal government to assist the investigations of more crimes. I am extremely proud to support this provision.

Despite my strong support for this important provision and many others in this bill, I also have to note some serious reservations I have with some portions of the bill. First, this bill effectively kills our Nation's most advanced tactical aircraft program, the F–22 Raptor, without any plans for replacing it. Furthermore, it fails to authorize funding for any additional C–17 cargo aircraft, though these planes are critical for transporting troops and equipment. Worse, the bill restricts the Air Force from retiring the aging C–5 cargo fleet, planes that are now some 40 years old. Over the President's objection, this bill forces the Pentagon to maintain aging aircraft, imposing an unnecessary burden on our taxpayers and an unacceptable risk on our troops.

I am also disappointed by the inclusion of $560 million for the continued development of the F–136 Joint Strike Fighter alternate engine. This is wasted money, pure and simple. We are already developing an engine that our military supports—one build by the skilled workers at Pratt & Whitney. The Pratt engine has now accumulated more than 140 hours of flight tests without failure. Developing a second engine wastes billions of taxpayer dollars, money that could be better spent on things our troops actually need.

So this is not a perfect bill. But there will be an opportunity to address these issues in the upcoming Defense appropriations bill, during whose consideration the critical priorities I have outlined attained bipartisan support. I am optimistic that we will soon be considering legislation that invest in strategic airlift platforms like the C–17, as well as other important military needs. And I remain optimistic that my colleagues share my commitment to our critical aerospace priorities. This bill includes $2.5 billion to build 125 Blackhawk helicopters for the Army and Navy, aircraft that have proven invaluable in operations in Iraq and Afghanistan. In addition, $92 million is authorized for a highly advanced wide area surveillance radar system, which will be built in Norwalk, CT, and which will prove critical for our forces' future ability to have precise and up-to-date intelligence of the battlefield. Similarly, $250 million is authorized to build new Pratt & Whitney engines for the Joint STARS radar aircraft that are widely used in Iraq and Afghanistan. The bill also authorizes 18 F/A–18 fighter aircraft and 30 F–35 Joint Strike Fighters, which marks the beginning of a long production run of these sophisticated jets.

This is good news for our military and good news for our economy. According to the Department of Labor, ''The aerospace industry is a powerful force within the U.S. economy and one of the nation's most competitive industries in the global marketplace. It contributes over 15 percent to our Gross Domestic Product and supports over 15 million high-quality American jobs.'' And, as I have stated before, my small State of Connecticut, which ranks 29th in the Nation in terms of total population, is 6th in aerospace employment. The workers at companies such as Pratt & Whitney, Hamilton Sundstrand, Sikorsky Aircraft, Goodrich, Norden Systems, Kaman, Aerogear, and hundreds of others work day in and day out to provide our troops with the highest quality equipment in the world. The billions of dollars of funding authorized in this bill is

proof of our military's appreciation for their hard work.

Just as important as protecting our troops from the skies is protecting them when they are at sea. That is why funding authorized in this bill for the Virginia class submarine program is so important. The bill includes $4 billion to procure one submarine next year and to prepare to begin building two submarines per year in 2011. This boost in production will better equip our Navy to deliver Special Forces such as the SEALs without detection, launch precision missiles on a moment's notice, and intercept enemy signals unseen and unaffected by weather. This bill also authorizes $495 million to design the Ohio class replacement submarine, our next generation ballistic missile submarine. This bill confirms that submarines have and will continue to stealthily protect our country for decades to come.

There is no higher priority than our national defense. And the brave men and women who serve us overseas must have the resources they need to do their jobs. I will support this legislation because it does that. But I look forward to working with my colleagues to strengthen our approach to defense policy so that we can address some of the shortcomings of this bill as we consider further legislation in the weeks ahead.

Mr. KIRK. Madam President, Congress will pass an exceptional bill today. I know that Senator Kennedy would have been proud of this responsible legislation and the ways in which it benefits our Armed Forces and our country.

The bill specifically honors the sacrifice of our men and women in uniform, and it includes provisions to put mechanisms in place to strengthen our current defense operations and our national security. I commend my colleagues on the Armed Services Committee for their leadership on these issues, and I am honored to serve on the committee in Senator Kennedy's place.

I wanted to spend a moment praising our colleagues for agreeing to include another important provision in the bill, the Matthew Shepard Hate Crimes Prevention Act. I know Senator Kennedy would have been especially pleased by its inclusion. It is an extremely important bill and was especially important to Senator Kennedy.

He worked on it for years to close the loopholes that have prevented effective prosecution of these flagrant crimes that terrorize entire groups of communities across America.

As Senator Kennedy said so well:

> We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this nation over a considerable period of time.

The statistics about hate crimes are shocking and shameful. For far too long, law enforcement has been forced to investigate these vicious crimes with one hand tied behind its back. The Matthew Shepard Hate Crimes Prevention Act gives Federal, State, and local law enforcement agencies the real power and authority they need to combat these brutal acts of domestic terrorism.

The bill makes it clear that the time is now to stand up for all victims of hate crimes across America. It would not have advanced this far without the dedication of Senator Kennedy and other key colleagues, especially Senator REID, Senator LEAHY and Senator LEVIN. I also praise the incredible and tireless advocacy of Matthew Shepard's mother, Judy. She educated all of us about the immense impact of such crimes, and I know how much Senator Kennedy admired her for all she's done to make sure that no other families have to endure the horror she faced in the loss of her son.

I know that it is unusual to include such a measure in the defense bill. But the rule of law will be stronger in America because of the inclusion of the Matthew Shepard Hate Crimes Prevention Act in this year's National Defense Authorization Act. I look forward to it becoming law as soon as possible.

Mr. KYL. Madam President, I am voting no on the conference report to the fiscal year 2010 DOD Authorization Act.

This was not an easy decision. This is a very important bill in view of the important policies it puts in place for our men and women uniform and I commend the leadership of the committee's chairman and ranking member for their commitment to the well being of our nation's armed forces. This conference report also contains several important provisions I authored or coauthored.

However, I believe is unconscionable that this bill has been taken hostage by the far Left to advance its hate crimes agenda. I cannot provide my vote for a bill that uses our military in this way if we permit it this time, where will it end?

Because of this, while this is an important conference report, and mostly a good one, I cannot vote in favor of it today.

The Defense Authorization Act authorizes more than $680 billion for national defense programs; this figure includes authorization for funding for ongoing operations in Iraq, Afghanistan, and the war on terror. It also authorizes funding for such crucial programs as Department of Defense military assistance to for Afghanistan and Pakistan. And it includes $7.5 billion to train and equip Afghan security forces and $1.3 billion for the Commanders' Emergency Response Program, which provides funds for commanders in Iraq and Afghanistan to spur local security and reconstruction projects.

The bill appropriately caps F–22 production at 187 aircraft—which the Pentagon requested—and it includes $6.7 billion for armored vehicles including the new M-ATVs, $600 million for equipment shortfalls in the National Guard, and more funding for defense health and family support programs. It also includes a 3.4 percent across-the-board pay raise for the men and women in the military

I am also pleased that the conference report contains several provisions I authored or coauthored, including an amendment requiring a comprehensive review by the Government Accountability Office on the successes, failures and unmet objectives of the Stockpile Stewardship Program. This is an important report for future debates on START and other matters, a provision I coauthored, section 1254, with Senators BAYH and LIEBERMAN on imposing sanctions on Iran if it continues its illegal nuclear weapons program. I am disappointed that this provision was watered down in conference, as it passed the Senate with its unanimous endorsement that the Iranian Central Bank should be sanctioned if Iran continues to defy the world on uranium enrichment. However, I am pleased that it continues to state the strong support of the Congress for the proposition that Iran must comply with the U.N. Security Council Resolutions directing it to halt uranium enrichment a provision I authored, Section 1251, with several of my colleagues, including the Republican leader and the ranking member of the Armed Services Committee, regarding the START follow-on.

I am pleased that the conference report enshrines in law that the President must deliver to the Congress a report on the plan to modernize the nuclear weapons stockpile and complex, as well as the delivery vehicles.

The Perry-Schlesinger Commission was clear that further reductions in the U.S. nuclear weapons force are only prudent if the weapons that remain are highly reliable and credible. This is only possible with a robust modernization program, which has to include full and timely Lifetime Extension Programs for the B61 and W76 warheads consistent with military needs; funding for a modern warhead that includes new approaches to life extension involving replacement, or, possibly, component reuse; full funding for stockpile surveillance work through the nuclear weapons complex, as well as the science and engineering campaigns at the national laboratories; and full funding for the timely replacement of the Los Alamos plutonium research and development and analytical chemistry facility, the uranium facilities at the Oak Ridge Y–12 plant, and a modern pit facility.

This provision greatly strengthens the DOD authorization bill, and, I think, makes it more likely the Senate will be able to ratify a follow-on treaty to START, especially if the President heeds the Senate's advice, in this section, that missile defense, space systems, and advanced conventional modernization, which includes nonnuclear

global strike capability are not subjects for this follow-on agreement.

I would have been proud to cast my vote for legislation providing these policies for our men and women in uniform; and I am grateful for the leadership of the chairman and ranking member on these issues.

I am, however, concerned by several provisions of the bill. First, I opposed the inclusion of funding for an alternate engine for the F–35, or Joint Strike Fighter. At a time when we are fighting two wars, the $560 million authorized in this bill for the development and procurement of an alternate engine could be better spent to support our troops. The Secretary of Defense opposes this program, and the administration so strongly opposes the alternate engine that the President's advisers have recommended he veto the bill over this provision.

Our national debt is spiraling out of control. Critical defense programs, like missile defense, are underfunded. The F–35 alternate engine is a prime example of an unnecessary program that should not be authorized in this bill.

I am also greatly concerned about the manner in which missile defense is addressed in the conference report. I joined Senators LIEBERMAN and SESSIONS in offering an amendment to the Senate version of the NDAA that would require the administration to certify that any proposed alternative to the planned missile defense sites in Poland and the Czech Republic be at least as cost effective and operationally effective as the original plan. In particular, I wanted to ensure that any alternative proposal was capable of protecting the United States as well as our European allies against long-range Iranian ballistic missiles. This amendment was adopted unanimously on the floor of the Senate, while a similar version was also included in the House-passed version of the NDAA.

Unfortunately, the conference report only authorizes funding for the alternative proposal and eliminates entirely the certification requirement that the alternative be as least as effective as the planned deployments in Poland and the Czech Republic. As such, I believe the administration is moving forward with a plan for missile defenses in Europe that will leave most of Europe and the United States more vulnerable to the threat of long-range Iranian ballistic missiles than the previous plan.

I would also note that this authorization bill endorses an approach to missile defense that emphasizes theater missile defense over the protection of the U.S. homeland. Under the previous plan, protection for the United States against future Iranian and North Korean intercontinental ballistic missiles was to be guaranteed by 54 ground-based interceptors: 40 deployed in Alaska, 4 in California, and 10 in Poland. The Obama administration has curtailed this to deployment to 30 ground-based interceptors in Alaska. Attempts by the minority to restore funding for the deployment of additional ground-based interceptors were rejected by the majority in both the House and the Senate. America will be less secure as a consequence.

Finally, the so-called hate crimes bill should not have been attached to the defense authorization act. Adding this left-wing priority onto the legislation that authorizes funding for our troops in battle is not in our troops' best interest.

A hate crimes bill should have been considered by this Chamber as a stand-alone bill that would pass or fail on its own merits. By attaching it to the unrelated, and must-pass, NDAA, the sponsors of this legislation clearly indicated that they anticipated they would encounter trouble in successfully getting a hate crimes bill through the regular legislative process on its own. And with good reason the hate crimes legislation is unnecessary Federal Government interference in an issue that is adequately handled by the States.

Forty-five States and the District of Columbia already have hate crimes laws. To my knowledge, States have a track record of aggressively prosecuting hate crimes, making a Federal hate crimes prevention act an unnecessary imposition on state jurisdiction. After all, State, rather than Federal, courts exist to adjudicate local crimes. Matters that can be handled adequately by the States, like hate crimes prosecution, should be left to them.

Everyone in this Chamber undoubtedly wants to ensure that all Americans are protected from crime. But flawed legislation that unnecessarily takes responsibility away from States and further taxes the Department of Justice's resources does not enhance the protection of people from these crimes.

The chairman and ranking member worked hard to complete a conference report that I would have been able to support absent the so-called hate crimes bill. However, I cannot support using our men and women in uniform as pawns to satisfy the liberal base of the Democratic Party. For that reason, I must oppose the conference report.

Mr. MCCONNELL. Madam President, today I will cast my vote against the fiscal year 2010 Defense authorization bill. It is a step I take with some reluctance, as there are programs of merit authorized in this conference report.

I take this position because the majority has seen fit to attach unrelated hate crimes legislation. This controversial social policy has nothing to do with defense policy or our global war on terror. Instead, the majority has chosen to evade open committee hearings and debate on controversial social policy by pairing it with this legislation. In my view, all violent crime is malicious or hateful, and all victims suffer regardless of the motive of the criminal. I am also mindful of the concerns of the many Kentuckians who contacted me with their views that hate-crimes laws will lead to an expansion of Federal authority that could chill many forms of speech, including religious expression, that are protected by the first amendment to the U.S. Constitution.

There is much that is good in this year's Defense authorization bill, reflecting policies that I strongly support. For example, the bill authorizes a 3.4 percent pay increase for our military personnel; includes a number of bonuses and special pay provisions; contains favorable TRICARE provisions; and continues support for the alternate engine for the Joint Strike Fighter. It also includes a measure to make it easier for members of the military to vote. Further, it authorizes many worthwhile Kentucky appropriations projects that I have been proud to support.

Were the conference report not burdened with the unnecessary and ill-advised hate crimes legislation I would have supported it as I have consistently done in prior years. I am hopeful that the majority's effort with regard to hate crimes does not presage future legislative shortcuts on matters of national importance.

Mr. GRAHAM. Madam President, I rise today to state for the record that Congress has spoken on the major issues and concerns that have been raised about the Military Commissions Act of 2006. As one of the principal authors, I worked closely with the Chairman and Ranking Member to amend the language of the Military Commissions Act to address the concerns of the new administration, the judiciary, and other respected groups who have voiced concerns about military commissions. I would like to thank Chairman LEVIN and Ranking Member MCCAIN and their respective staffs for their hard work and many hours they dedicated to this bill. A common understanding for all as we move forward is that our country is at war and we are fighting a vicious, dedicated enemy who preys upon civilians and has no respect for the rule of law and human life. There are three key areas in which Congress has clarified the law, and I would like to briefly address these.

First, this legislation raises the bar to provide an even higher level of protection and process than enemy combatants—or enemy belligerents—have ever had in the history of war, much less since the Geneva Conventions were adopted. Common Article 3 of the Geneva Conventions prohibits the passing of sentences and the carrying out of executions without judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. The detainees who are subject to MCA jurisdiction are not qualified for the privileged status of Prisoner of War. However, because we have such deep respect for due process in this country, Congress constituted a court under the MCA of 2006, in accordance with our Constitution, to

provide appropriate due process to those who conducted themselves outside the law of armed conflict. In the current legislation, we now add additional due process within this court.

Second, in the legal history of these commissions there has always been robust debate about how to handle sensitive classified information. The commissions by definition discuss the most sensitive elements of our national security and process cases against the most dangerous and committed enemies of our country. In the current legislation we have carefully drafted new protections to ensure our Nation's intelligence is protected, while also allowing the defendants to see the information presented against them. These procedures were modeled on the Classified Information Procedures Act and will therefore allow the judiciary to look to the developed case law of our Federal courts when issues arise that may not be entirely answered by the plain text of the statute. We intend that this case law be instructive but not necessarily binding on the military commissions. We have also included language to clarify that the national security privilege may be invoked by the government at any time in order to protect our national security.

Thirdly, the MCA of 2009 offers even more protections for the defendants. The new administration came to office voicing a number of concerns about the MCA of 2006. With their party also in control of both houses of Congress, there has been ample discussion and opportunity to draft new text addressing those concerns. During hearings before our committees, administration officials expressed both their official and personal concerns with respect to various aspects of the commissions. As an equal branch of government, Congress considered all those issues and addressed them in this new legislation. Among those concerns was the question of whether Congress had created an ex post facto issue in the MCA of 2006. Congress has modified the language on this issue in the current legislation, but has not changed its position. As the branch of government empowered to write the laws under our Constitution, Congress has codified offenses which have traditionally been tried by military commissions under customary international law. There is no need to go into a detailed history of military commissions and war crimes trials here, but it should be noted that Congress clearly states in this act that those who aid unlawful combatants are subject to the Commission's jurisdiction to the same extent as those who directly commit the crimes. Further, we understand that there will always be a debate about when the war with al-Qaida and violent extremists first began. Osama bin Laden formally declared war against the United States in a fatwa in 1996, but, of course, the first World Trade Center bombing was in February of 1993. Understanding the ambiguity of this issue, Congress has deliberately stated that the military commissions may exercise jurisdiction over offenses that occurred before the date of enactment.

In closing, I would like to note that in passing these reforms to the MCA of 2006, Congress has once again affirmed the legitimacy of the commissions, their sufficiency of due process, and their rightful place in our juris prudence. Our country is at war with an enemy that has clearly stated they will continue to disregard the law of war and commit war crimes. The military commissions are the most appropriate judicial forum in which to try those individuals.

Mr. SCHUMER. Madam President, I rise today in support of the Matthew Shepard Hate Crimes Prevention Act. Matthew Shepard was brutally murdered more than 11 years ago, and yet the bill that bears his name it still not law. Today, we will finally send this historic bill to President Obama for his signature.

Many of us here in Congress have fought for this day for years—my dear friend, the late Ted Kennedy, fought for this day for decades. It is a bittersweet day. For as much as this is a victory for all who stand for civil rights, it brings to mind those horrible crimes committed simply because an individual is gay, or black, or Latino, or Muslim, or because of any other aspect of their being.

These crimes must not be met with silence, but rather, with our loudest voices.

In an era in which we elected our first African-American president, we must condemn crimes based on racism, homophobia, anti-Semitism, or any other small-minded and intolerant angst. We must act, as these are crimes inflicted not merely on individuals, but on entire communities. They are attacks meant to not only break bones, but to break spirits. These crimes know no state boundaries—they are a national problem.

And today we will present the President with a national response. But let me be clear: this legislation does not criminalize speech or hateful thoughts. It seeks only to punish action—violent action that undermines the core values of our Nation.

One particularly chilling hate crime occurred in my home state of New York less than two weeks ago. The victim, Jack Prince, was leaving a deli in College Point, Queens late at night when two men started yelling anti-gay slurs at him. Suddenly, the perpetrators began beating him, savagely breaking Jack's jaw, his ribs, and causing both of his lungs to collapse. This crime, which was caught on video, shook the entire gay community.

This legislation sends a clear message to Jack's perpetrators and to all others: In America, we do not tolerate acts of violence motivated by hatred. In America, you are free to be yourself, and you should never be attacked for being so.

The time for waiting is over. The time for silence is over.

With the Matthew Shepard Act, we are helping local law enforcement stamp out crimes like the one committed earlier this month and punish its perpetrators. With the Matthew Shepard Act, we are saying, ''Enough!''

And, with the Matthew Shepard Act, we are honoring a brave soul. I personally want to thank Judy Shepard and all who continue to fight alongside her to make sure that we not only remember her son's life, but that we continue to strive for a better America.

For one last time, let me say: I urge my colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

Mr. President, I yield the floor.

Mr. DURBIN. Madam President, I ask unanimous consent that at 4:40 p.m. today, all postcloture time be yielded back and the Senate then proceed to vote on the adoption of the conference report to accompany H.R. 2647, the Department of Defense Authorization Act; that no points of order be in order to the conference report; further that the vote on the motion to proceed to H.R. 3548 occur at 2:30 p.m., Tuesday, October 27.

Mr. REID. Madam President, reserving the right to object, I ask the distinguished assistant leader if he would agree to allow the vote to start immediately and that we make sure that 5 minutes is counted toward the end.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

All time having been yielded back, the question is on agreeing to the conference report.

Mr. DURBIN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''no.''

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

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—68

Akaka	Cardin	Franken
Baucus	Carper	Gillibrand
Bayh	Casey	Gregg
Begich	Collins	Hagan
Bennet	Conrad	Harkin
Bingaman	Cornyn	Hutchison
Bond	Dodd	Inouye
Boxer	Dorgan	Johnson
Brown	Durbin	Kaufman
Burris	Ensign	Kerry
Cantwell	Feinstein	Kirk

Klobuchar	Merkley	Snowe
Kohl	Mikulski	Specter
Landrieu	Murray	Stabenow
Lautenberg	Nelson (NE)	Tester
Leahy	Nelson (FL)	Udall (CO)
Levin	Pryor	Udall (NM)
Lieberman	Reed	Voinovich
Lincoln	Reid	Warner
Lugar	Rockefeller	Webb
McCain	Sanders	Whitehouse
McCaskill	Schumer	Wyden
Menendez	Shaheen	

NAYS—29

Alexander	Crapo	LeMieux
Barrasso	DeMint	McConnell
Bennett	Enzi	Risch
Brownback	Feingold	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Wicker
Corker	Kyl	

NOT VOTING—3

Byrd	Hatch	Murkowski

The conference report was agreed to.

Mr. LEVIN. Mr. President, we have just adopted a landmark Defense authorization bill. We are sending to the President the 48th consecutive Defense authorization bill—I move to reconsider the vote on that bill and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEVIN. Mr. President, we have an unbroken tradition on our committee, 48 consecutive national Defense authorization bills. It is never easy to get this bill through the legislative process. But with perseverance, a lot of good-faith work has never let us down.

We maintain our focus because we are acting on behalf of our true heroes, the men and women of our Armed Forces and their families. The enactment of this conference report is going to provide the men and women of our Armed Forces, both Active and Reserve, and their families with the pay and benefits they deserve, the equipment and training they need.

The conference report includes $164 billion for military personnel, including costs of pay, allowances, bonuses, survivor benefits, and military health care. It would authorize a 3.4 percent across-the-board pay raise for our troops, a half a percent above the budget request and the annual increase in the employment cost Index.

The conference report would authorize $130 billion in funding for our ongoing military operations in Iraq and Afghanistan. It would provide more than $2.0 billion for the Joint Improvised Explosive Device Defeat Fund, to help take on the threat that has claimed so many American lives in Iraq and Afghanistan. It would fully fund the President's request for $7.5 billion to train and equip the Afghan National Army and the Afghan National Police.

This legislation sends a vital message to our men and women in uniform that we, as a nation, stand behind them and appreciate their service.

We are at this point because all our dedicated Members and all our dedicated staff members—on both sides of the Capitol—were all willing to hit on all cylinders and keep this bill rolling along.

Of course, I want to start by thanking my partner and my friend, Senator MCCAIN, as well as all committee members, for their active roles in getting us to this point. Our counterparts on the House side, Congressmen IKE SKELTON and BUCK MCKEON and the House Armed Services Committee staff lead by Erin Conaton and Bob Simmons, also have our gratitude. Senator MCCAIN and I are extremely grateful to our own committee staff members who so willingly put all their legislative expertise into this bill. Not only is there a tremendous amount of legislative craftsmanship involved, but there is a mind-boggling number of administrative details that have to be meticulously tracked in this massive bill.

I again thank my partner and my friend, Senator MCCAIN, as well as all committee members for their active roles in getting us to this very historic moment when there is much in this bill that is so important to our troops, as well as a number of other provisions which are critically important to success in Afghanistan and Iraq.

Our dedicated, hard-working staff assistants in particular deserve a special mention for their extraordinary efforts in this regard. As a visible sign of the high regard in which we hold our staff, I ask unanimous consent to have all staff members' names printed in the RECORD. I offer here a list of the staff of the Armed Services Committee for that purpose.

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

STAFF OF THE COMMITTEE ON ARMED SERVICES

Adam J. Barker, June M. Borawski, Joseph W. Bowab, Leah C. Brewer, Christian D. Brose, Joseph M. Bryan, Pablo E. Carrillo, Jonathan D. Clark, Ilona R. Cohen, Christine E. Cowart, Madelyn R. Creedon, Kevin A. Cronin, Richard D. DeBobes, Gabriella Eisen, Richard W. Fieldhouse, Creighton Greene, Howard H. Hoege III, Gary J. Howard, Paul J. Hubbard, Paul C. Hutton IV, Jessica L. Kingston, Jennifer R. Knowles, Michael V. Kostiw, Michael J. Kuiken, Mary J. Kyle, Christine G. Lang, and Terence K. Laughlin.

Gerald J. Leeling, Daniel A. Lerner, Peter K. Levine, Gregory R. Lilly, Hannah I. Lloyd, Jason W. Maroney, Thomas K. McConnell, William G. P. Monahan, David M. Morriss, Lucian L. Niemeyer, Michael J. Noblet, Christopher J. Paul, Cindy Pearson, Roy F. Phillips, John H. Quirk V, Brian F. Sebold, Arun A. Seraphin, Russell L. Shaffer, Travis E. Smith, Jennifer L. Stoker, William K. Sutey, Diana G. Tabler, Mary Louise Wagner, Richard F. Walsh, Breon N. Wells, and Dana W. White.

Mr. LEVIN. 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.

MORNING BUSINESS

Mr. LEVIN. 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; that during morning business, Senator BROWN control up to 1 hour; and that during that time, he be permitted to enter into colloquies.

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

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

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

HEALTH CARE REFORM

Mr. DORGAN. Mr. President, as the Senate continues to discuss in various ways the issue of health care, I wanted to comment once again on the need, when the health care bill is finally brought to the floor, open for debate and amendment, to offer an amendment, which I and others will do, to address the cost of prescription drugs. One of the significant areas of cost increases for medicine is in prescription drugs.

Prescription drugs are unbelievably important. Many people manage their diseases with prescription drugs that were not available years or decades ago. Those people who are able to access prescription drugs for disease management are able to keep out of the hospital and avoid being in an acute-care bed, which is the costliest form of health care.

I understand the importance of prescription drugs in the health care system. I want us to continue to incentivize the development of new drugs, research and development. We do a lot of that through the National Institutes of Health, and so, too, do the pharmaceutical companies engage in research and development. But even as we do all of that to try to incentivize development of additional drugs and make them available for disease management, it is important to understand that part of the process of trying to put some downward pressure on health care costs is to put some downward pressure on the price of prescription drugs. It is a fact that we pay the highest prices in the world for brand-name prescription drugs. That is just a fact. In my judgment, it is not fair.

When a bill does come to the floor, I and a number of my colleagues—there are over 30 who have cosponsored legislation on prescription drugs—will offer as an amendment the legislation we have drafted together. It has significant safety provisions in it. It would

make the drug supply eminently safer than now exists, requiring pedigrees and batch lot numbers on everything that is produced and distributed so that we can track it. It would be a much more effective way of addressing the issue of counterfeit drugs.

Essentially what we propose is to put downward pressure on prescription drug prices by allowing the American people the freedom to access that identical prescription drug wherever it is sold, if it is FDA-approved, access it wherever it is sold for a fraction of the price that is charged here in the United States.

I have in my desk two pill bottles. They contain the medicine called Lipitor. I have used them many times and ask unanimous consent that I be allowed to use them on the floor.

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

Mr. DORGAN. These bottles are bottles that contain medicine produced in the exact same manufacturing plant. This plant happens to be in Ireland, and Lipitor happens to be the most prescribed prescription drug for the lowering of cholesterol anywhere in the world. More people take this for the lowering of cholesterol than anything else. I am not standing here advertising for it. I am making the point that this is made in Ireland. It is shipped all over the world.

As we can see, these are two bottles that look identical. They contain the same pill in the same bottle made by the same company made in the same plant. This bottle was shipped to Canada. This bottle was shipped to the United States. This is 90 tablets at 20 milligrams. Canadians are required to pay $1.83 per tablet for this drug. Americans—same pill, put in the same bottle, made in the same place, in an FDA-approved plant—pay $4.48 a pill. So it is $1.83 if you buy it north of here, $4.48 if you are an American citizen buying it in the United States.

Is that fair? It is not, in my judgment. It is not only Lipitor; it is brand-name drug after brand-name drug. How does that happen, and how can they make this stick? They do it because under current law the only entity that can import a prescription drug is the manufacturer of the drug. Therefore, if this prescription drug is sold in Italy or Spain or France or Canada—any number of countries—for a fraction of the price, the American people are prohibited from accessing that identical, FDA-approved drug that is sold at half or one-third of the cost in the United States.

With our legislation, we aim to give the American people some freedom—the freedom to access that drug. We establish a system by which they are able to access that FDA-approved drug from a chain of custody that is as safe as the American chain of custody and allow them to import that drug into this country by paying a fraction of the price. This is about freedom. Why would we not want to give the American people the freedom and the advantage of the system of trading?

Some say: You can't do that without limiting the opportunity for counterfeiting. They have been doing it in Europe for 20 years. If you are in Spain and want to buy a prescription drug from France, good for you; it is easy to do under something called parallel trading. If you are in Italy and want to buy a prescription drug from Germany, it is not a problem; they have something called parallel trading. They have been doing it for two decades without any safety issue at all. Yet they say we can't do it here in America? We can't manage something the Europeans have managed routinely for two decades? I think we can. Of course we can.

It is not just Lipitor. I mentioned previously that I was at a farmyard for a farm meeting some while ago. People were sitting around on bales of straw talking, and there was an old codger there. The subject of health care came up.

He said: I am near 80 years old. My wife is about 2 years younger, near 80. She just suffered breast cancer. She has been fighting a battle with breast cancer in the last 3 years.

This, by the way, was in the southern part of North Dakota.

He said: We drove to the Canadian border and then drove across the border every 3 months to buy Tamoxifen for my wife to fight her breast cancer. And the reason we did that is because we couldn't afford it here. We paid about 20 cents for what we would pay a dollar for in the United States for the Tamoxifen my wife needed. We had to drive to the Canadian border and across to buy it.

The fact is, he was allowed to do that because on an informal basis they allow you to bring across on your own person about 90 days' worth of prescription drugs. But for the most part, Americans are not allowed to access those lower cost prescription drugs. They are just not allowed.

Why not give the American people the freedom to access the same drug, put in the same bottle, made by the same company? If that company plant is inspected by the FDA, and the drug itself is FDA approved, why would you prevent the American people from having access to the very marketplace that everybody boasts about as being the free market?

I hear all my colleagues come to the floor all the time and talk about freedom. Yet I have seen some of them vote against the bill that would give the consumer the freedom to access these same drugs in places in the world where it is sold for a fraction of what the American people are charged.

There are 30 of us who have come together to write this legislation. It is a Dorgan-Snowe bill. Myself and my colleague, Senator SNOWE from Maine, have worked on this legislation for a long time, as have other colleagues. The late Senator Kennedy was a cosponsor of this legislation. Senator JOHN MCCAIN is a cosponsor of this legislation. Last year, when Barack Obama was a Senator, he was a cosponsor of my bill. So this is a very wide coalition. Senator GRASSLEY from Iowa asked me about this legislation when we came over for the last vote.

This is a very wide coalition of Republicans and Democrats who believe the American people ought to be given the freedom to access these identical prescription drugs that are sold at a fraction of the price in all the rest of the world at a time when the highest prices are charged to the American consumer.

If the goal of health care is twofold—one, to try to put some downward pressure on these relentless cost increases for health care; and, No. 2, to extend coverage to those who do not have it—how could we possibly bring a health care bill to the floor of the Senate and avoid the issue of whether we are going to do something about the relentless increasing march of prescription drug prices? How could we walk off the floor having done health care and say, ''Yes, we did not do anything, however, about prescription drug prices. Yes, we understand it is ratcheting up, up, up, and up, way out of the reach of some folks, but we did nothing about it.''

Some will say: Well, except that there was a deal made in which the White House announced an $80 billion deal with the pharmaceutical industry, and so on, that would have senior citizens buying brand-name prescription drugs in a manner that filled half of the doughnut hole—that is all Washington jargon—so, therefore, it becomes something that the pharmaceutical industry has contributed to the well-being of senior citizens.

I do not know about all that. I think it was Russell Long who said: I'm not for any deal that I was not a part of. Well, I do not know about what this deal is. I called the White House when it was represented by the pharmaceutical industry that this deal also included the White House's agreement to oppose the legislation I and others are talking about here. I called the White House. Actually, I did not call the physical structure. I called a high official in the White House and asked the question: Was there a deal made by which they would oppose this? And the answer was no, no such deal was made.

So there is a bipartisan group of us who will be here to offer this amendment. I fully expect in the consideration of deciding how to put some downward pressure on the costs of health care, our colleagues will join me and Senator SNOWE and so many others in adopting this amendment. At last—at long last—having been fighting this issue for many years, I believe, as we consider the health care bill on the floor of the Senate, we will include something that puts some pressure to bend down or at least to limit the kind of price increases we see every single year on these brand-name prescription drugs.

Let me say again, I have great respect for the pharmaceutical industry. It is looking after its own interests. Good for them. They should. They produce in some cases some miracle drugs, some of it with public funding through the National Institutes of Health, but, however, some of it, perhaps—not ''perhaps''—some of it with their own research and development. I do not want to do anything that interrupts our opportunity to produce these new medicines that will be helpful to the American people.

But I know what will happen. The minute we offer this amendment, we will have people popping up here on the floor of the Senate, and they will say: Aha, what you are going to do is shut down research and development for new drugs. That is what you are doing. You are going to shut down R&D that is going to develop the next miracle drug for Alzheimer's or Parkinson's, and so on.

I say, no, that is not the case at all. It is just not the case. In fact, they pay a much lower price for the brand-name drugs, the same drugs we pay for. They pay much lower prices in Europe and do more research and development in Europe than we do here in the United States. So go figure.

It is also the case that the industry spends more for marketing, advertising, and promotion than they do on research and development. If you doubt me, turn on your television set tomorrow morning when you are brushing your teeth and listen to the advertisements. The advertisements say: Go ask your doctor today. Run down to your doctor and ask whether the purple pill is right for you. Or: Didn't you wake up this morning thinking you needed some Flomax? Go talk to your doctor; you must need Flomax—whatever Flomax is.

My point is, they relentlessly push these medicines at you with unbelievable amounts of advertising. So I would say, how about knocking off a little of that, maybe pumping some of that money back into research? The fact is, the way you can get a prescription drug is if a doctor thinks you need it. That maybe is where the decision ought to be made, not while you are brushing your teeth watching a commercial on television, whether the purple pill would enhance your lifestyle.

So I only say that because I know the pushback when we offer this amendment will be to say: This will injure somehow the opportunity to do research and development. Nothing could be further from the truth. It will not. I want the pharmaceutical industry to succeed. This amendment is not punitive at all. I want them to charge prices that allow them to make profits. I just do not want them to charge the highest prices in the world to the American consumer—to do it over and over. Why? Because they can. Because the American consumer does not have the freedom to access those lower priced prescription drugs in the world economy.

Let me mention something, finally, about the larger area of health care. I held a lot of meetings in August, as most of my colleagues did, I am sure. I had standing room only at every single meeting, and I had people allege that whatever is done with health care will be a bill that will cover health care for illegal aliens, it will be a bill that pays for health care costs for abortions, it will be a piece of legislation that does this and that. It is unbelievable the allegations out there, which have no basis in truth at all.

I am not going to vote for a bill that does the five or six things that most people are alleging the bill would do. But that is not going to be in legislation. This legislation we will consider I hope will be—and if it is not, I will offer to amend it; and if I cannot amend it and cannot fix it, I will not support it. But I believe legislation that will be supported by a good many—perhaps including myself if it is the right kind of legislation—will be legislation that is a serious attempt to try to address the issue of increasing costs of health care.

We spend much more than anybody else in the world on health care. Yet we do not have the results. We rank, according to CIA data, which keeps information on all the countries, 50th in life expectancy. So we spend much more than anybody else in the world and rank 50th in life expectancy. Go figure. There is something wrong with that picture.

The other issue is, a lot of people do not have health insurance because the increased cost of health insurance is running out of people's ability to pay for it.

One other important point is most people who do have health insurance believe: Well, I am set. I am fully insured. In most cases, they are not. In most cases, they are one serious illness away from bankruptcy.

I met a woman in a community recently who is a quadriplegic. About 10 years ago, she had $600,000 in the bank. She lived in a home and had home equity. She had a job and insurance. Ten years later, it is all gone. She is a quadriplegic who has unbelievable needs. She suffered a very serious illness that continues. She has reached the cap on her insurance policy. She is one of those who is a demonstration of being one serious illness away from bankruptcy, even if you have insurance. This country is a better country than to decide that does not matter.

One-half of the bankruptcies in this country are bankruptcies as a result of health care costs. Every single Member of this Chamber goes around their State and discovers there is a benefit being held someplace for somebody who needs a new kidney or somebody who has some other medical difficulty, and they are doing some sort of fundraiser for the community to see. Can they raise enough money for this surgery so this person can get health care because that is the only way they can get this surgery? So they need donations from neighbors. We can do better than that. That is the reason there is an interest in trying to find some way to address this health care issue.

I want to mention one additional point, and that is last evening there was a vote on what is called commonly here the doctors fix. It deals with physician reimbursements. A reporter asked me, as I left last evening: Wasn't this some significant rejection of the health care piece? The answer was no. That vote last evening was not a harbinger of anything. The vote last evening was on the issue of fixing physician reimbursements, but it was done in a way that was not paid for, and a good many Members of the Senate felt that is not the way to do it.

We should—and will, in my judgment—fix this physician reimbursement issue. We must. We cannot have a circumstance where physicians are told: Oh, by the way, in 2 or 3 years from now, your reimbursements are going to drop off a cliff 25 or 35 percent and then we will see you decide not to treat Medicare patients. That will not work. So we have to fix this. But we are in the middle of a very deep hole with very significant budget deficits, the most significant recession since the Great Depression. In my judgment, we cannot just add $240 billion to the Federal budget deficit.

So we will, in my judgment, address legislation with the physician payment issue and fix that issue because we have to, but we have to do it the right way. That is all that vote was. That vote was not a harbinger about how health care reform might be dealt with today, tomorrow, or yesterday. It was just a vote on that issue with respect to the deficit, and a lot of Members of Congress decided, do you know what, let's come back and do it in a different way.

Let me make one final point. The majority leader of the Senate is working, along with many others, to try to combine the best of several pieces of legislation. It is not an easy job. But the fact is, he will bring a piece of legislation to the floor of the Senate. It will be wide open for amendment, and we will have a lot of the best ideas that come to the floor in the form of amendments about how to improve the bill. And that is exactly the way this process will work. I do not think we ought to get ahead of the process alleging this or that. Let's take a look at what this bill does and says and provides. Let's offer improvements where improvements can be made. We will have votes on all of those issues and see if we can do something good for the American people. The American people deserve that.

This has been a tough time with a very deep economic hole we have been going through. Part of the economic distress in this country is to try to decide at the end of the day, the month, or the year: How do I pay this unbelievable increase in my health insurance

cost because I know that and my kids and my family and I need to have health insurance? When you are losing your job and losing your home and losing hope in the middle of a great economic downturn, it is pretty troublesome to discover, do you know what, we probably cannot even insure our family against illness and disease.

We are a better country than that. We can do something here. I understand a lot of people would like to say they want to do something but in reality do not want to do anything. And it is always easier to criticize. It is always easier to take the negative side. But the question is: Can we come together with something positive that advances the interests of this country? I hope we can. And I believe we can if we are thoughtful and work together. So that will be my hope at the end of the day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

IN RECOGNITION OF THE ARCS FOUNDATION SCHOLARSHIP AWARD WINNERS

Mr. KAUFMAN. Mr. President, I have spoken many times about the need for a renewed investment in scientific research and development. This includes science, technology, engineering, and mathematics—or, as we say, STEM—education.

As a former engineer, I also know how important it is that research and innovation is fostered through both public and private investments. Over the years, many wonderful private organizations have been formed to promote STEM education. One of the very best is the national Achievement Rewards for College Scientists—or ARCS—Foundation, which is an excellent example of the type of investment I believe our country needs to make.

ARCS was created in 1958 by a group of women in Los Angeles following the launch of Sputnik. Like many people at that time, the women saw a need to support American technological and scientific advancement, and they decided to create a scholarship program for students to pursue degrees in science, medicine, and engineering.

Today, the all-volunteer, all-women organization has grown to 14 chapters with a national membership of over 1,500. Thanks to the efforts of the dedicated women of the ARCS Foundation, nationally more than 13,000 scholarships have been awarded since the organization's inception.

All ARCS recipients are U.S. citizens who have superior academic records and proven abilities in scientific research and development. They are recommended and selected by the deans and departmental chairs at universities that have been approved by the ARCS Foundation.

This year, the local Metropolitan Washington Chapter of ARCS awarded 20 scholarships to Ph.D. candidates and two scholarships to undergraduates:

Ilana Goldberg, Monique Koppel, and Eric Patterson from Georgetown University.

Brenton Duffy, Anna Korovina, Yi Jin, Jessica Stolee, and Bennett Walker from the George Washington University.

Marcin Balicki, Stephanie Wilson Fraley, Eatai Roth, Bridget Wildt, and Bryan Benson from Johns Hopkins University.

Brendan Casey, Stefanie Sherrill, Nathan Siwak, Seth Thomas, and Natalie Salaets from the University of Maryland.

Theresa Bankston, Thomas Bliss, Ori Fox, and Rebecca Salomon from the University of Virginia.

Scholarships were funded through contributions from ARCS members, Washington-area corporations and foundations, and various fundraising events. One hundred percent of all funds went directly to the scholars who received $15,000 at the graduate level and $5,000 at the undergraduate level. This year, several Washington-area corporate and foundation sponsors provided funding for full scholarships, including Lockheed Martin, American Council on Technology/Industry Advisory Council, Booz Allen Hamilton, Bristol-Myers Squibb, General Dynamics, Mars Foundation, McNichols Foundation, and Raytheon.

None of these scholarships would be possible without the dedicated women of the Washington Metropolitan Chapter of ARCS. Betty Polutchko, the chapter's president, has worked tirelessly for the Foundation since she joined the local Washington chapter in 1992. Her leadership during her 2-year tenure has enabled the scholars to thrive.

I recently had the honor of meeting this incredible group of scholars and learning about the fascinating research they are conducting. These students are discovering new ways for delivering pharmaceuticals and other medical treatments, inventing processes to reduce carbon dioxide and other pollutants, engineering aerospace systems, creating microsurgical robots, and much, much more.

They are, without a doubt, the future of our Nation's leadership in science and technology, helping us to solve medical and environmental dilemmas and creating new products and systems that will continue to improve our lives and create new jobs.

Engineers and scientists have always been the world's problem solvers. They helped us to land on the moon during the space race, the period when ARCS was founded. The foundation saw the need to foster the scientific and engineering potential of our Nation then, and they continue to do so today.

The silver lining in today's financial crisis is the opportunity to shift our priorities in many positive ways. As America continues on its path toward economic recovery, we must inspire our students to address the extraordinary challenges facing our country and the world. What better way to encourage and promote this than through programs such as ARCS. I know that, when given the opportunity, a new generation of engineers and scientists will step up to meet these challenges. Indeed, they already are.

Congratulations to the 2009–2010 ARCS Metropolitan Washington scholarship recipients.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. UDALL of New Mexico. Would the Senator withdraw his request?

Mr. KAUFMAN. I withdraw my request and I yield the floor.

The PRESIDING OFFICER. The quorum call will be vitiated without objection.

The Senator from New Mexico is recognized.

HEALTH CARE REFORM

Mr. UDALL of New Mexico. Mr. President, first, I wish to say to the Presiding Officer, I know Senator SHERROD BROWN from Ohio and a number of us are going to be down here from the 6 to 7 o'clock period, and I am starting out here for the first 10 minutes before 6 to talk a little bit about health care reform and this whole issue that many of us have been addressing on the floor. We did this several weeks ago and we did it last week. What we are doing is talking about the whole issue of the public option and how important it is to have a public option.

The Presiding Officer from Rhode Island, Senator WHITEHOUSE, has been down here with us. He has pointed out, on a number of occasions, how important it is to have a public option. But I think one of the things I would like to do today is talk a little bit about what these insurance companies are doing and where they are coming from.

Insurance companies made a point of playing nice over the first couple months of this reform process, but they revealed their true colors earlier this month when they released a series of biased, misleading reports to scare people about the impact of reform. The truth is insurance companies aren't worried about how reform will impact consumers—far from it. What they are worried about is the impact of reform on their profits.

The insurance industry has shown where it stands when it comes to health care reform. In the process, they have given us yet another reminder of why we must have a robust public option included in the final legislation. A public option is one of the only ways still on the table to keep the insurance companies honest. It will allow us to restore competition back into the market and hold companies accountable for their abusive practices. If you need further proof that insurance companies are putting profits above people, let's look at this chart and look at some of the statistics and numbers here.

Over 7 years, publicly traded health insurance companies saw a 428-percent increase in profits—again, a 428-percent increase in profits. The 10 CEOs of those companies made $118 million in 2007. That is why 47 million Americans went without coverage. The premiums more than doubled over 9 years, three times faster than wage increases.

Going to chart No. 2, insurance companies are afraid of competition and want to protect their strangleholds in most State markets. Ninety-four percent of the commercial health insurance market is highly concentrated. In 21 States, 1 carrier dominates more than half the market. In 39 States, 2 carriers control more than half the market. This is the case in New Mexico, where 2 companies control 65 percent of the market.

What does this mean for individuals and families in New Mexico and across America? Nearly one in four Americans under the age of 65—some 64 million people—will spend more than 10 percent of their family income on health care in 2009. This means families often have to choose between paying health insurance premiums and putting food on the table. Outrageous health insurance premiums are a heavy burden for working families who already are dealing with tight budgets. This can often lead to significant medical debt, bankruptcy, and home foreclosure.

I wish to talk a little bit about some of the New Mexico families who have called me and written me and told incredible stories. I know the Presiding Officer, the good Senator from Rhode Island, Mr. WHITEHOUSE, has been down here talking about his stories in Rhode Island, and we have the Senator from Ohio here right now whom I spoke about earlier.

Mr. BROWN. Mr. President, if the Senator will yield for a moment.

Mr. UDALL of New Mexico. Let's ask unanimous consent to carry this on as a colloquy.

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

Mr. UDALL of New Mexico. Please, go ahead.

Mr. BROWN. I thank the Presiding Officer, Senator WHITEHOUSE.

I saw the Senator show that map, if we could put that map back up. The current chart shows the number of uninsured New Mexicans, and that is, of course, significant. But when we look at this map, we can look at any number of States where in some States—about a dozen States—two insurance companies have more than 75 percent of the market, some pretty good-sized States with some pretty decent populations, including Minnesota, Missouri. But no matter how many people live there, when you have two companies that have more than 75 percent of the market and you look at the next level of States, which includes yours, New Mexico; mine; as well as Rhode Island, where two companies have between 50 and 75 percent of the market, what does that mean in your mind in terms of what the public option will do? We were all taught in school, whether you were a business major or a French major, that if there was almost a monopoly, where two or three companies had most of the market, prices went up.

What does that mean with the public option and injecting competition into this whole market?

Mr. UDALL of New Mexico. I thank the Senator from Ohio. I know tonight he is leading this effort, this hour we now have on the floor, and I thank him for being down here and leading the effort and showing incredible leadership on the public option.

What I think it means is, when we talk about the lack of competition, this is a concentrated market, that they can basically do whatever they want and drive up the premiums and drive up these incredible profits.

I don't know if the Senator was on the floor when we showed this chart, but publicly traded insurance companies saw a 428-percent increase in profits over 7 years. So the lack of competition drives those profits. We are not against people making profits; it is just this is profit in terms of health care. So let's compare it.

To answer the Senator's question, one of the things that I think is important to compare is the high-tech industry. They have six, seven, eight companies all competing against each other, driving the prices down, lowering costs. What the public option does is exactly that: It drives the premiums—it puts competition into the market; it drives the costs down.

Mr. BROWN. When we have seen the increase in profits of these companies, the publicly traded health insurance companies—and I don't mind that they have an increase in profits if they aren't doing it by using preexisting conditions to deny care to people whom the Senator reads letters from, from Santa Fe and Albuquerque and Truth or Consequences and all over the Senator's State. I wouldn't mind if it was not on the backs of people whose insurance companies put caps on their coverage so that even though they didn't know it when they bought their insurance—they get very sick, spent a lot of money, and all of a sudden they lost their insurance.

Then you also see on the bottom there, the top 10 CEOs made $118 million in 2007. I remember talking the other night about the CEO of Aetna who, I believe, made $24 million; the CEOs of—do the math there: 10 CEOs, that is $11.8 million each. Obviously, the Aetna guy drives up the average a little, but they are all making $6, $8, $10, $12 million. I assume that what has happened in the last decade—and part of the reason for that huge increase is that there are fewer and fewer of these companies dominating the market. I assume—I am asking, I guess—10 years ago there was probably more competition in this market than there is now. So we are seeing the number of companies shrink, their market share increase, and that is an even stronger case for the public option.

I guess the even stronger case for the public option is, frankly, how much the insurance companies hate it. There is nothing they are opposing more strongly in this bill than the public option. As unhappy as insurance companies are with any change—because they love the system the way it works now. They love having preexisting condition denials, they love their caps, they love to be able to discriminate. Their whole business model, it seems to me, is to keep people who are sick from getting insurance and then hire a whole bunch of bureaucrats to try to spend time on the phone denying care, denying reimbursements or denying claims for people who get sick who are their customers.

So what does public option do for all of that?

Mr. UDALL of New Mexico. Well, Senator BROWN makes a very good point. I think, first of all, when you have a public option, it is a nonprofit that is dedicated entirely to health care, and you are not going to see these outrageous kinds of CEO salaries. The purpose of a public option nonprofit is to put moneys that come in above the goal of providing health care back into the overall system. So what we are talking about is dedicating ourselves on that basis to providing the very best quality care.

So if you take out the profits and you take out these salaries, you are going to have a very competitive—

Mr. BROWN. You are taking out another big group of people. You are taking out two groups. You are taking out marketers and the money they spend trying to get people to buy their insurance and making sure they exclude those who are sick. That takes some skill, it takes some computer programming, it takes some aggressive salespeople, discriminating aggressive salespeople. Then you have the bureaucrats——

Mr. UDALL of New Mexico. As the Senator pointed out, it happens at two points in the process, right?

Mr. BROWN. Then you have the bureaucrats denying coverage on the other end. The public option will not spend a lot of money marketing and will not have people denying care, right?

Mr. UDALL of New Mexico. Absolutely. Those two things occurring drive up the costs, so the comparison—let me make this one more point.

The comparison on administrative costs—let's look at a government-run program such as Medicare that has 3 percent administrative costs. Then we go over to the insurance industry, and we are talking 30 percent. It is those people in the process who are denying the claims and all of that activity.

Mr. BROWN. So it is the CEO salaries, the profits, the marketers, and it is the bureaucrats denying your claims

when you thought you had good insurance. They say about 30 percent of claims are initially denied.

I have read a lot of these constituent letters. So many of these letters come from people who are sick and thought they had good insurance, who then ended up getting very sick or having a new child who had a preexisting condition, and they ended up fighting the insurance company, and they were already suffering from an illness. Think about the stress one must already have from having breast cancer or from having a sick child, and then they have to spend time on the phone fighting with insurance companies or bureaucrats who are saying no, no, no.

Instead, with the public option, they will not have those bureaucrats to fight, correct?

Mr. UDALL of New Mexico. Correct. Would Senator WHITEHOUSE like to speak?

Mr. WHITEHOUSE. I am delighted to join the discussion. One other point merits mention about a public option. The current business model for health care in America is not a good one. The insurance companies try to—if you are not healthy—make sure you never get insurance in the first place. If they give you insurance and then you get sick, they will look for loopholes and try to throw you out. Then they will try to control the way you get treated by your doctors. So your doctors have to spend as much as half of their time on the phone trying to fight and get you the treatment they know is right for you, but they have to clear it with the insurance company, which has a vested interest in taking as long as it can and causing as much trouble as it possibly can because some doctors and patients will just give up.

On the other side, in terms of the quality of care, with all that stuff going on, we have a country in which the quality of care is far below our competitors by innumerable measures. Part of it has to do with the way the system works.

We had an intensive care unit reform that we fought through in Rhode Island that was modeled on the keystone project in Michigan. In Michigan, they went into intensive care units and said: We are going to eliminate hospital-acquired infections, get rid of those. In 15 months, they saved 1,500 lives, $150 million, and 81,000 days that patients would have spent in the hospital with those infections, but they didn't have to because they got out without them. They invested in that.

That is the kind of thing a public option can invest in because it will be around, it is not profit motivated, and it wants to do the right thing for people.

Mr. BROWN. How does that work? In the Michigan hospital, they used a checklist and all this to try to cut down on infections. How does public option interface with the hospital to try to get them to do that?

Mr. WHITEHOUSE. It will be willing to take the long view and say: You know what. This is the right thing to do.

Mr. BROWN. Invest the money now, and the insurance companies will not do that.

Mr. WHITEHOUSE. Insurance companies have had a long time to do this, but they have not done it. If you want to believe that by passage of this legislation, all of their motivation and their business model, the way they work, is going to spontaneously change, and they will start doing things they have never done before, is one thing to believe. I think prudence and experience and a practical and serious appreciation of how urgent our situation is all counsel against believing a sudden epiphany happening in the halls of the big insurance companies and, instead, put a new entity on the field, which would be easier to start up and bring a new business model in with it. It is not going to have all that tradition and history. You know, you get in a rut. The only way to change the business model in health care is to have a new entrance—a public entrance and a nonprofit entrance and one that has a dispersed interest in the health of the American people rather than the wealth of the insurance company shareholders.

Would the Senator from Oregon like to jump in?

Mr. MERKLEY. Mr. President, I am happy to jump in. Last weekend, I was over in central Oregon—in Bend—and I was reading local clips. One of the articles that came across was about a lawsuit that had been filed. The article said that a year before an individual had passed away because they had repeatedly asked for an MRI to address a pain he had in his back. It turned out to be a tumor, and it killed the individual. But they could never get the MRI approved. The doctor requested it, but it wasn't approved. Another doctor requested it—a consulting doctor—and it wasn't approved. Eventually, the tumor was beyond the point of being able to be operated on. The individual passed away.

That article talked about a second parallel situation that is unfolding right now. The individual is still alive but also is seeking an MRI and is being turned down by the same company. I thought, that is how an insurance company makes those profits—by turning down requests for coverage. Hopefully, it doesn't come to the point that a diagnostic exam is denied to the degree that someone is going to die, but it happens. It happened in this particular case.

The motivating factor of the management of the company was to maximize profit, not to maximize healing. The Senator from Rhode Island served as insurance commissioner. I am sure he saw examples of this. If I heard him right, he is saying that in a public option the motivation is healing, not profit, and therefore has a long-term perspective. Therefore, it can invest in prevention, in disease management. A private company will not assume that its customer, the policyholder, will still be a customer in 10, 15 years. They take a short-term perspective. That is to minimize the amount you spend on health care. But the longer term perspective would be much better for the quality of life of our citizens, and certainly investment in prevention and disease management might have tremendous rewards in bending the cost curve.

Mr. WHITEHOUSE. That is precisely accurate. If you are a for-profit insurance company and your motivation is to make money, and if you assume your customers are going to stay with you—how long does somebody stay with a company before they change jobs or move to a different State? Five to ten years? You put down 100 cents on the dollar of a prevention strategy or a wellness strategy and help that individual, and if it is an illness, it is going to show up 8, 9, or 10 years later and you haven't saved yourself any money. You have done the right thing for the customer but haven't saved yourself any money. So you have a huge built-in bias to underinvest in wellness and prevention.

Sure enough, we are a country that underinvests dramatically in wellness and prevention. It is impossible not to connect the dots and see that the reason we are so underinvested in wellness and prevention has to do with the motivation of the for-profit insurance sector.

(Mr. UDALL of New Mexico assumed the chair.)

Mr. KAUFMAN. Mr. President, one of the things that concerns me about this is we hear about the fact that we should not have a public option because it is the government doing this and that. When I was in business school, I learned that the beauty of the private sector is competition. If you don't have competition, you will not get the advantage in the private sector. I don't care how you structure things. I want to read off some States.

The problem is, in so many States we have no competition. The only way we are going to get competition is through some kind of a public option.

In Hawaii, 98 percent are with two insurers. In Rhode Island, it is 95 percent. In Alaska, it is 95 percent. Vermont, it is 90 percent. Alabama, it is 88 percent. In Maine, it is 88 percent. In Montana, it is 85 percent. In Wyoming, it is 85. You can go down the list to Florida, which is No. 42, and 45 percent of all the health care is with two firms. The next one is No. 43, California, and it is 44 percent.

You cannot get the advantage of free enterprise if you do not have the competition. What this is about—the whole reason to have a public option and the only way you are going to bend the cost curve and get this turned around is to have competition. In most of the States, you are not going to have competition if you don't have the public option. So the public option is turned on its head.

When I hear people on the Senate floor and on television talk about government, government, the one thing government by itself cannot provide is competition. In some cases, it is the only way we can provide competition.

Mr. WHITEHOUSE. It is a little ironic to have the insurance industry complaining about government entering into the role as a competitor to the insurance industry, which is the best possible way government could enter into this equation, when, for years, they have fought for and protected a government role in the health insurance industry, which is to protect them, the insurance industry, from the antitrust laws. Government has been involved in health insurance for a long time in the worst possible way—protecting these insurance companies from being subject to antitrust laws, like every other business in America except, I guess, Major League Baseball.

Mr. KAUFMAN. It is hard to believe when you hear it on the floor—and how do they get the ads straight? First, they say government cannot do anything right. The next ad says we cannot just have government because government is going to take away our business. Either government is efficient and organized or it is not.

So what you begin to see is that there isn't much continuity to the arguments against a public option. They bring out the same old arguments we heard in 1994 about the public option—and then the public option was not like what we talked about before. First, it is an option. People don't have to do it if they don't want to.

It is inconceivable to me—and we have debated this for a long time—I am trying to see the first indication of how we have competition in these States where the overwhelming amount of business is just in two firms. Nobody has come to me and said: How are you going to have competition? I believe in competition.

Mr. WHITEHOUSE. Particularly when those two firms aren't subject to the antitrust laws, they are able to price-fix and do things like that. For them to complain about competition after having used government to wall themselves off from the basic law that protects competition, you kind of have to believe the irony department is open late at night at insurance companies.

Mr. BROWN. We know what they say about why they are against the public option. We know what conservatives—many of whom have been close allies of the insurance industry in their campaigns for years—we know what they say: government take-over. The government cannot do anything right, and the government will run them out of business.

We know the real reason the insurance industry is fighting this: they have has a 428-percent increase in their profits. As they get bigger and bigger and squeeze smaller insurance companies out, they know the public option will mean no more huge profits.

We know the insurance industry will continue to make profits because they are smart and sometimes they are well run. They have been around a long time. They are going to have marketplace advantages. We know CEOs of the 10 largest companies made an average of $11 million. That means a lot of vice presidents are making $3 million, $4 million, $5 million, and $6 million. They like that gravy train. Of course, the people making the decisions at the insurance companies, doing the lobbying, hiring the lobbyists, and hiring the PR firms, and making decisions to run television ads, these are all people who want this to continue.

There was an article in the Time Magazine that came out today that every Member in Congress in both Houses has an average of 2.3 industry lobbies—that may just be the drug companies or insurance companies together. There are hundreds of lobbyists around here to protect health insurance profits and to make sure the top executives are making $6 million, $8 million—up to Aetna's CEO, who makes $24 million a year.

They have a lot at stake in this. But you know what, we have a lot more at stake. What we have at stake is we have people—we can read letters when we come to the floor. A lot of us day after day read letters from people who have preexisting conditions and have lost insurance or a 24-year-old who just graduated from college or just came back from the military and cannot get insurance because they had asthma, as my wife does, when they were 12 years old and cannot get insurance or their mother got really sick and the insurance practice called, I say to Senator WHITEHOUSE, rescission—that is a fancy word—we are dumping you off the insurance because you cost us too much money.

It goes back to what you were saying. The business model is, we do not want to insure sick people or people who might get sick, and if we do insure them, we want to find ways not to honor their claims, not to pay their claims. The industry will fight like a dog, in many cases, to keep from paying those claims. It is a dysfunctional model in business. It is bad for our society. It is really only correctable by a public option, injecting that competition and keeping those companies honest.

Mr. WHITEHOUSE. One of the ironies in all this is that whole scheme of the insurance companies is actually increasing the cost of American health care. I think from 2000 to 2006 the administrative costs of insurance companies went up over 100 percent. So they are loading on more and more people whose purpose is to do just what you said, which is to interfere with the doctors, to require more and more prior approvals before you can get treatment, to do more and more claims denial—all of that. And then not only does that add costs to the health care system within the insurance company, but then the doctors have to fight back.

In Rhode Island, I go all around to doctors and medical practices and community health centers. The standard number that I hear is that 50 percent of the personnel of a doctor's office or a community health center is not dedicated to providing health care but dedicated to having to fight back against the insurance industry.

I visited the Cranston Community Health Center a few months ago, and they said that more than 50 percent of their personnel is devoted not to the health care function but to the ''fighting with the insurance company'' function. Plus they have to spend $300,000 a year that could go to health care for consultants and computer programmers who help them fight with the insurance companies. It is not just half the personnel, it is also a $300,000 consulting expense.

You put the two together, and it is a huge cost and a great opportunity for a public option to cut through all of that, to knock off the administrative expense on their side, costs on the doctors' side, and bring costs down.

(Mr. KAUFMAN assumed the chair.)

Mr. BROWN. They use the term ''medical loss ratio.'' They want to keep the medical loss ratio as low as possible. The medical loss ratio is often 75 percent. That means that 75 cents on the dollar goes to actual health care, doctors, hospitals, physical therapists. The other 25 percent is insurance company overhead. They call every dollar they spend on health care a loss. That is the way they think. That is the insurance company model. So if the medical cost ratio goes up to 85 percent—in other words, they spent 85 percent on medical care—they don't like that. They want the medical cost ratio to stay low because the rest is marketing, profits, and insurance company salaries. It is a curious turn of a phrase. I think they are phasing that term out because I think they know ''medical loss ratio'' does not sound good to them.

Mr. UDALL of New Mexico. Something Senator WHITEHOUSE mentioned earlier that should be driven home very strongly is the antitrust part of this. I am not sure people out there know what we are talking about when we say these large insurance companies that are making all these profits are exempt from the antitrust laws. We know. We were attorneys general. We had to get into antitrust cases as attorneys general.

What it means is that the antitrust laws say: As you get bigger and you get a more concentrated market, the government can weigh in and say the market is too concentrated; there is not enough competition. What we have done with these insurance companies is we have said: Oh, no, no, we are not going to use the antitrust laws; we are going to exempt you from the antitrust

laws. That is something I think the average citizen does not realize. It applies in most of the rest of the economy to encourage competition, but it isn't here. I know Senator BROWN and Senator MERKLEY also understand this point. This is a very important point.

Mr. WHITEHOUSE. There is an alarm bell. An alarm rings when a market is something called heavily concentrated. The Department of Justice has standards for when a market is heavily concentrated. When a market is heavily concentrated, that means they look particularly closely for anticompetitive conduct. Of course, they don't look at the insurance industry because they are exempted from the antitrust laws. But 94 percent of the major metropolitan areas in America—nearly everyplace—is heavily concentrated. It is in that uncompetitive danger zone.

The public option is not only a useful alternative, but we are dealing with a market where competition is in a very poor state. So it is not as if you are adding an extra competitive element to an already competitive market. You are adding an extra competitive market to a market that is almost virtually certain to be heavily concentrated and to show none of the signs of healthy competition that one looks for in a healthy marketplace.

Mr. MERKLEY. So not only do we have little competition because there are many markets with only a couple of companies providing services, but because of the antitrust provisions, those companies are allowed to talk to each other, to collaborate on what rates they charge or what deals they make with providers, further reducing competition, even when there are a couple companies in the market.

If we take and flip this notion of competition and look at it through the eyes of the individual working American, then what it becomes is choice. Lack of competition in the marketplace equals lack of choice for individual Americans.

I read this story in the press last weekend in central Oregon about this fellow who could not get an MRI. He had probably very few choices about what insurance company he could go to. Would it not be great if he would have the ability during an open window each year to be able to say: I am not satisfied with the service I am receiving or I am not satisfied with the premium I am being charged, and I want to change to a different company or a different provider to see if they do a better job. That is the heart of the American capitalist system if there is competition and, therefore, choice for the individual. These two things go hand in hand.

When folks say that what will happen with a public option is that it will reduce choice, I must say, what are they thinking, because we don't have choice now. But if you bring in a community health option or a public option, then you do have real choice as a citizen. You can march with your feet. You can sign up for this program or this program or this program.

We have competition between governmental opportunities and nongovernmental in other areas. I don't think I would like to say to the citizens in the State of Oregon: You no longer have a choice of mailing a letter with the post office. Everything you do regarding the mail has to be through a private company. I don't think I would like to say to the citizens of Oregon: You no longer have the choice of sending your kids to public school. You have to choose between solely private options.

It is a positive thing to have competition, and having a strong, robust public option is going to create a real opportunity for our citizens to choose and, in so doing, create this competition, improve service, and lower costs. If we don't lower costs, then we truly have not succeeded in health care reform.

Mr. WHITEHOUSE. Think how many Americans from Oregon or from Ohio or from Rhode Island or from Delaware, the Presiding Officer's home State, have been able to achieve their dreams because they were able to go to a public university in their home State as opposed to private colleges. I have nothing against private colleges and universities. I went to one. I think they are wonderful. But I am very proud of the University of Rhode Island, and for many Rhode Islanders and many people who come to Rhode Island to go to URI, that is a great opportunity for them. The notion that it should not be there because it is government run and government supported and, therefore, makes Brown University noncompetitive is just crazy. The facts belie it.

If you look even closer—I know the Senator from Oregon has talked before about the workers' compensation example—half of the States in the country have public options that operate in an insurance market and provide workers' compensation. Indeed, some of the strongest advocates against a public option in health insurance on the other side of the aisle have workers' compensation public plans in their home States.

Mr. BROWN. If I may ask a question, I remember the Senator from Rhode Island mentioned some very prominent members of our Health, Education, Labor, and Pensions Committee, on which all three of us sit, that they were some of the strongest critics of the public option, but their States, if I recall, have, in some cases, a single-payer plan.

Mr. WHITEHOUSE. The Republican leader, Senator MCCONNELL, has a public option in his home State of Kentucky that provides workers' compensation insurance in competition with private insurers. It has been doing it for years. It has a significant market share. I don't recall that he has ever criticized that plan. I think it seems to be helpful.

Mr. BROWN. It probably makes them both work better, public option and private work better.

Mr. WHITEHOUSE. In Arizona, our wonderful colleague, Senator MCCAIN, with whom I am very proud to serve, is also very antagonistic toward the notion of a public option. But in Arizona, if I recall correctly, their public option has been in the workers' compensation market for 80 years.

So the notion that when you have a public option it is going to creep, crawl, and take over and force out competition is proven wrong by the actual facts and history of some of the States of Senators who are here making that very argument.

Mr. BROWN. Didn't you mention the other night the State of Wyoming, which is represented by the ranking Republican on the Health, Education, Labor, and Pensions Committee—before I ask about Senator ENZI and that committee, one of the things I think is important to remember when I hear people say this is a partisan effort, we all remember in our committee we did 11 days—there was no hurry on this—11 days of markup, longer than almost any of us can remember in terms of that much time in committee, debating and vetting. We adopted 161 Republican amendments. I voted for almost all of them. I know Senator WHITEHOUSE and Senator MERKLEY did most of them, too, and there are some fundamental questions on which we have ideological differences. We made a better bill as a result. But Senator ENZI's State has a public option or only a public plan? I cannot remember.

Mr. WHITEHOUSE. In Wyoming, the workers' compensation system is run entirely by the government. It is a single-payer public plan. As far as I can tell, all of the business community in Wyoming is perfectly comfortable with that plan.

One of the concerns people raise about a public plan is that it will give terrible public service, terrible customer service. It has been described as if you take the IRS and a department of motor vehicles and put them together, that is the kind of customer service you will get from a public plan. I doubt very much that the public plan in Wyoming, which is a single-payer, government public plan, gives that kind of terrible public service because if it did, I would expect the Wyoming business community to be up in arms about the way they are being treated by their only choice of workers' compensation insurer. Judging from the track record, it seems they are pretty satisfied with it.

I think when you actually go out into the field and look at examples of competition, whether it is the Postal Service, higher education, or these public plans that do workers' compensation in half of our States, we find that a lot of the concerns the people have raised, a lot of the fears that seem to animate this debate actually, in reality, appear not to prove out.

Mr. BROWN. I would add from what Senator WHITEHOUSE said that you can look another place and you can see how in very quantitative and very specific, giving example comparisons that Medicare versus private insurance—we know the cost of bureaucracy, the cost of marketing, the cost of future profits, and the cost of high executive salaries. Private insurance means they have a 15-percent absolute minimum, more than 20, 25, sometimes 30 percent administrative costs. Medicare has somewhere around 3 percent overhead, administrative costs. Medicare is a public plan. The private insurance companies really don't compete very well with Medicare in terms of measuring them for administrative costs.

Whether you look at workers' comp plans when there is a public option or you look at workers' comp plans in Wyoming where it is single-payer or you look at Medicare, you can see that this argument they make that the government can't do anything right is pretty wrongheaded, especially when they are afraid that government does things so efficiently, it is going to run them out of business.

We know public plans can coexist, side by side, with private plans and make the private plans a lot better. I argue the private plans will make the public plans perhaps more flexible too. It will help both.

Mr. WHITEHOUSE. That is what competition is all about.

Mr. BROWN. That is what competition is all about.

Mr. WHITEHOUSE. I have to depart, and I yield the floor to the distinguished Senator from Ohio. But before I go, I want to express my appreciation to him for convening us and for his energetic and constant advocacy on this subject. I think he has been a wonderful leader of our caucus, and I wish I could stay longer, but I have a plane awaiting me.

So I yield to the Senator from Ohio.

Mr. BROWN. I thank Senator WHITEHOUSE, and I will wrap up too. I think this discussion is much better than a speech, frankly, from any one of us. I appreciate the contribution of the Presiding Officer, Mr. KAUFMAN, the Senator from Delaware, to this discussion, more than debate, as well as Senator MERKLEY, who was with us, and Senator UDALL of New Mexico.

As I close, let me run through a couple of these posters reflecting the monopoly that has caused so much hardship for so many people in State after State after State. In my State, two insurance companies have a huge part of the market. In parts of southwest Ohio—the Cincinnati and Dayton areas—two insurance companies have about 80 percent of the market. In Senator UDALL's State, it is very high. In some States it is even higher.

When you have that lack of competition in States, you can see what it brings to us after that. It brings huge profits. Having so little competition, it means these insurance companies get larger and larger and push out smaller insurance companies and we end up with two or three companies. Without competing much with each other, what do you end up with? You end up with a 428-percent increase in profits over 7 years. You end up with the 10 top industry CEOs making $118 million, headed by Aetna's CEO making $24 million last year. So what happens? Forty-seven million Americans don't have insurance. Insurance premiums more than doubled in 9 years. If we do nothing—as many on the other side suggest, and certainly the insurance companies would like that—we will see insurance premiums double again in the next 7 or 8 years, putting such a burden on small businesses and making our big companies less and less competitive internationally. We all know what that means in terms of jobs for our people, especially in manufacturing.

Again, what fuels all this? What fuels all this and all these dollars they are making is the insurance company business model. The insurance company business model is to deny care—to deny insurance, to start with—by using very sophisticated sales practices to keep people from even buying insurance if they are sick, if they have a preexisting condition that might be expensive. That is part of the business plan. The other end of the business plan is to deny care as often as they can for people who have insurance.

So we know what we need to do. We know a public option will make a huge difference in keeping the insurance industry honest. A public option will make a huge difference in providing competition. And a public option will make a huge difference in keeping prices down. That is why we are here tonight. That is why I appreciate the work of Senators KAUFMAN, UDALL, MERKLEY, and WHITEHOUSE, and why I believe come December, when this work is completed on this health insurance bill—which, frankly, our government has been working on for 75 years, since Franklin Roosevelt tried it—we are going to finish with a good strong plan, with a robust public option that will make a huge difference in people's lives.

Mr. President, I yield the floor, I thank my colleagues, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

SSG MATTHEW KUGLICS

Mr. BROWN. Mr. President, I rise today to honor SSG Matthew Joseph Kuglics, U.S. Air Force, who lost his life in service to our Nation.

Matthew's call to serve our Nation came immediately after his graduation in 2000 from Green High School in Green, OH, not far from Akron. That was when he enlisted in the U.S. Air Force.

In June of 2004, Matthew achieved the distinction of becoming a special agent with the Air Force Office of Special Investigations.

Sergeant Kuglics then volunteered to deploy to Iraq. There, he served with distinction by providing counterintelligence support to nearly 4,000 coalition forces at Kirkuk Regional Air Base in Iraq. Following his first tour in Iraq, Matthew volunteered for a second deployment in the combat zone.

On June 5, 2007, while in a convoy, Matthew was killed by an improvised explosive device. He gave his life for our Nation. He was 25 years old.

Throughout two tours in Iraq, Sergeant Kuglics executed the mission of identifying and neutralizing criminal, terrorist, and intelligence threats to the Air Force, to the Department of Defense, and to the United States of America. His service resulted in successful military operations and the increased safety of his fellow servicemembers. Sergeant Kuglics was posthumously awarded the Bronze Star, the Purple Heart, the Air Force Commendation Medal, and the Air Force Combat Action Ribbon.

On Friday, October 23, 2009—tomorrow—at 11 a.m., there will be a street dedication ceremony at Barnes Memorial Park at Wright Patterson Air Force Base in Dayton, OH, to honor the life and service of Matthew Joseph Kuglics.

Future generations of the Air Force will now forever honor Staff Sergeant Kuglics. He represents the best of Ohio, the best of the U.S. Air Force, the best of the United States of America.

INCREASING LOAN LIMITS

Ms. LANDRIEU. Mr. President, since Congress passed and the President signed the American Recovery and Reinvestment Act in February, more than 33,000 loans—nearly $13 billion—have gotten into the hands of entrepreneurs, helping to give more small businesses the capital they need to stock their shelves and pay their employees while creating or saving 325,000 jobs at a critical time. But as President Obama said yesterday, we must do everything in our power to help our nation's innovators and job creators to ensure their success and our nation's economy and future competitiveness.

Ensuring that small businesses have greater access to capital is the first, and perhaps most critical, step. In hearings, roundtables and other meetings with small business owners and lenders, I have heard time and time again that the current small business loan limits do not adequately meet their needs. To answer their urgent call for help, I am here today to introduce S. 1832, The Small Business Access to Capital Act of 2009. Senate

Small Business Committee and Entrepreneurship members Senators JOHN KERRY of Massachusetts, TOM HARKIN of Iowa, BEN CARDIN of Maryland and JEANNE SHAHEEN of New Hampshire, along with Senators BARBARA BOXER of California and BOB CASEY of Pennsylvania, have joined me as cosponsors of this bill.

The Small Business Access to Capital Act of 2009 contains several of the initiatives President Obama highlighted in his speech yesterday, including raising the limits on SBA loans to as high as $5.5 million. Coupled with lower-cost capital available to community lenders, these higher loan limits will further spur small business growth and aid in our nation's continued economic recovery.

I have made increasing access to capital for small businesses a top priority within my Committee since the day I became Chair, leading my first Committee event on this topic in January. Since that first roundtable, Senator SNOWE and I helped pass the Recovery Act's small business provisions that eliminated SBA loan fees for borrowers to make capital more affordable, increased the loan guarantees on SBA's largest loan program to reduce risk for banks and encourage them to lend when the economy was at its worst, and created initiatives to help unfreeze the secondary market for SBA loans so that banks would have more capital to lend small businesses. These provisions, as I mentioned earlier, helped some 33,000 businesses receive $13 billion in capital, saving or creating 325,000 jobs.

I have also held four additional hearings and roundtables focused on increasing access to capital for entrepreneurs. Most recently, an oversight hearing on October 6 focused on what in the Recovery Act has been implemented and what additional steps Congress needs to take. Increasing loan limits was a main focus.

In addition to making greater access to capital a top priority since and prior to my becoming Chair, I have specifically supported increasing the loan limits for the past two Congresses, voting favorably for this increase in the last two SBA reauthorization bills out of the Senate Small Business Committee. My bill goes above and beyond these increases because in this recession small business needs are greater than ever before, and the programs have not been updated in many years.

The bill I am introducing today increases the maximum 7(a) loan from $2 million to $5 million, increases the maximum 504 loan from $1.5 million to $5.5 million, and the maximum microloan from $35,000 to $50,000. These are all provisions that have been championed by my colleague and Ranking Member, Olympia Snowe, in S.1615, the Next Steps for Main Street Act. Additionally, the bill includes a provision to allow businesses to use 504 loan guarantees to refinance existing business debt and allows microloan intermediaries to have greater access to technical assistance grants. The bill also increases the amount that a New Market Venture Capital Company can invest in any one company, helping fast-growing businesses located in areas with chronic underemployment.

The Recovery Act included a controversial provision that exempts the National Institutes of Science (NIH) from participating in the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs. This provision could cost small businesses as much as $230 million in lost r&d work, impacting the development of needed military and medical technologies and therapies. In addition, it directly counters the goals of the Recovery Act to create high-paying jobs, spur innovation and boost America's competitiveness. This bill contains a provision to correct this unfair exemption by requiring NIH to obligate $150 million of the Recovery funds it received to be used for SBIR and STTR projects.

Last, the bill amends the America's Recovery Capital (ARC) loan program, enacted as part of the Recovery Act, so that businesses with existing SBA 7(a) loans can access this financing. The temporary ARC program offers interest-free loans to viable small businesses, which carry a 100-percent guaranty from the SBA to the lender and require no fees paid to SBA. Loan proceeds are provided over a six-month period and repayment of the ARC loan principal is deferred for 12 months after the last disbursement of the proceeds. Repayment can extend up to five years.

With small businesses making up the largest source of employment in this country, and the national unemployment rate still too high, changes like these are vital to the success of our small businesses and the competitiveness of our nation. I look forward to working with President Obama and his Administration, Ranking Member SNOWE and my Senate and House colleagues to quickly pass this critical legislation and send to the President for signature.

RECOGNIZING CAMDEN AEROJET WORKERS

Mrs. LINCOLN. Mr. President, today I am joined with my colleague, Senator PRYOR, to recognize the Aerojet-General Corporation's Camden, AR, production facility. The Camden facility recently achieved the milestone shipment of its 5,000th MK 104 dual thrust rocket motor to Raytheon Missile Systems and the U.S. Navy. Aerojet is a world-recognized aerospace and defense leader principally serving the missile, space propulsion and armaments markets. This most significant milestone will be commemorated with a celebration ceremony held in Camden, AR, on Wednesday, October 28, 2009.

The MK 104 dual thrust rocket motor provides the main propulsion for the standard missile 2 (SM–2), the U.S. Navy's primary surface-to-air air defense weapon. SM–2 is an integral part of the AEGIS weapon system aboard Ticonderoga-class cruisers and Arleigh Burke-class destroyers. The MK 104 dual thrust rocket motor also is the second stage propulsion for the Navy's newest defensive weapon, the standard missile 6 extended range active missile, SM–6, which will provide extended range anti-air warfare capability over both sea and land. The MK 104 also is utilized on the standard missile 3, SM–3, for aegis ballistic missile defense, BMD, from the sea missions.

Aerojet has manufactured the MK 104 dual thrust rocket motor since 1987 at its Camden facility. The Standard Missile family of products, which also includes the MK 72 booster and MK 125 warhead, are noteworthy elements of Aerojet's industry-leading tactical propulsion portfolio produced in Camden.

On the occasion of this milestone, Senator PRYOR and I are proud to join together and lend our voices to congratulate and honor the nearly 600 Aerojet workers in Camden, AR, on a job well-done. You have served our State and our Nation admirably for more than 20 years.

TRIBUTE TO CLARA KIRCHER

Mr. LEAHY. Mr. President, I have been privileged to meet so many people in my 35 years in the Senate. One who will always stand out is Clara Kircher, who stayed with me in my office for over a quarter of a century, leaving as deputy chief of staff when she retired.

She is a remarkable woman who, on her own, raised her family, giving them the best example of a strong, talented, and loving woman. She did the same in my office, mentoring so many, and showing by example that she could keep a 50- to 60-hour week and still go back to college.

Marcelle and I consider her one of our dearest friends, and we were privileged to be with her when she was inducted into the hall of fame at Elizabeth Seton High School in Bladensburg, MD. I ask unanimous consent that the statement they made about her at that induction be printed in the RECORD as an example to everybody in the Senate family.

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

ELIZABETH SETON HIGH SCHOOL HALL OF FAME INDUCTION

Clara Smiley Kircher was born on May 3, 1945 in Washington, D.C., the daughter of Ann and Golden Smiley. She grew up in Mt. Rainier, MD, and attended Saint James Elementary School. She was accepted into the first freshman class at Elizabeth Seton High School in 1959 and graduated from Seton in June 1963. At Seton, she was a member of the Glee Club, Masque and Gavel, basketball team, Future Nurses Club, Student Council, Louise de Marilacs and Honor Society. She attended Saint Joseph's College in Emmitsburg, Maryland, where she majored in business, from 1963–1965. She married Walter Kircher from Riverdale, Maryland, at Saint

James Church in April 1965. Her Maid of Honor was Monica Kircher Brady, her best friend at Seton since their sophomore year. Clara and Walter had five children—Anne, Walter, Eric, Anthony and Aaron. Their marriage ended in 1978, and Clara had to raise their five children as a single parent.

Clara went to work in the office of U.S. Senator Patrick Leahy (D–VT) in October 1981. She served as the assistant to the Chief of Staff and the Press Secretary. After twenty-six years in the Senate, she retired in October 2007 as Deputy Chief of Staff to Senator Leahy. While working for Senator Leahy, she returned to college to complete her degree. In May 1996, she graduated summa cum laude from Bowie State University with a Bachelor of Science Degree in Public Administration. As Deputy Chief of Staff to Senator Leahy, Clara helped establish the Leahy Women's Economic Opportunity Conference which is now in its 13th year. The Leahy Women's Conference focuses on the career and business development of Vermont women and is open to all women free of charge. Women learn the skills of running their own business, writing a financial plan, and sharpening their computer and personal skills for a new job or career change. She was the intern coordinator for the Leahy College Internship Program, which offers young women and men the opportunity for a close-up view of their government and the workings of a Senator's office. Clara also served as the Chief Financial Clerk for the Senate Judiciary Committee where she helped with the administration of the Committee and prepared committee budgets for Chairman Leahy.

In November 2008, she temporarily returned to the U.S. Senate to help start up the office of the newly-elected Senator Mark Warner (D–VA). In March 2009, she went back to her retirement life and is now enjoying time with her children and eleven grandchildren. Two of her granddaughters have followed their Grandmother's footsteps in attending Seton. Clara Bannigan graduated in May 2009, and is a freshman at Christopher Newport University studying music; and Alice Bannigan is a sophomore this year.

Clara and her family live in Bowie, Maryland, since 1971 and are members of St. Pius X Church. Clara is an active member of the Seton Alumna and is proud to be a member of the first graduating class of Elizabeth Seton High School, the Class of 1963.

ADDITIONAL STATEMENTS

TRIBUTE TO BETTY TAYMOR

• Mr. KIRK. Mr. President, I welcome this opportunity to bring to the attention of my colleagues in the Senate that today is the 40th anniversary of the founding of the Center for Women in Politics and Public Policy at the John W. McCormack Graduate School of Policy Studies at the University of Massachusetts Boston.

I especially want to recognize the leadership of Betty Taymor, the remarkable founder of this program.

Because of Betty, more than 700 women have been educated in the programs of the center. It is incredibly admired today on the local, State, and national levels, and it is an honor for us to join in congratulating Betty for her unique achievement.

My colleagues and I in our State delegation in Congress have sent a letter to Betty congratulating her on this impressive milestone of public service in the Commonwealth of Massachusetts and our Nation. I look forward to the center's continuing leadership and achievements in the years ahead and I ask that our letter be printed in the RECORD. The information follows:

Ms. Betty Taymor,
Center for Women in Politics and Public Policy, McCormack Graduate School of Policy Studies, University of Massachusetts—Boston, 100 Morrissey Boulevard, Boston, MA.

DEAR MS. TAYMOR: We, the members of the Massachusetts delegation in the United States Congress join in tribute as your friends and colleagues gather to celebrate your extraordinary achievements. You have indeed run against many prevailing winds, and been energized, not subdued, by the challenges you've faced.

We recommend your inspiring book, Running against the Wind, to anyone who seeks to understand the progress made by American women in the second half of the last century.

You entered public service as a volunteer, an honorable role shared by many idealistic women throughout our history and were crucial to the abolition of slavery and the emancipation of women. During the Second World War, you joined with others on the home front in the important work of the Red Cross. In time, you sought and won positions of greater responsibility and authority, in Massachusetts and in the national Democratic Party.

You were a personal mentor to many, yet you wanted to do more. With characteristic energy, you created an institutional embodiment of your example in the Program for Women in Politics & Public Policy. This evening's celebration is dedicated to your vision and to the support of the Betty Taymor Fund to further the education of women who share your intellectual and moral fervor. Your courage and determination continue to inspire all good citizens, both men and women, who are committed to equal rights and equal opportunity.

We unite in gratitude and congratulation, Senator John F. Kerry, Senator Paul G. Kirk, Michael E. Capuano, Edward J. Markey, Barney Frank, Richard E. Neal, John W. Olver, William D. Delahunt, James P. McGovern, John F. Tierney, Stephen F. Lynch, Niki Tsongas.•

TRIBUTE TO LTG STEPHEN M. SPEAKES

• Mr. LIEBERMAN. Mr. President, today I recognize the distinguished service of LTG Stephen M. Speakes as he prepares to retire after 35 years of exceptional service to this Nation as an officer of the U.S. Army. I have had the pleasure to work with General Speakes over the last several years as he served as the Army deputy chief of staff, G–8, a position in which he was responsible for matching the service's resources to the needs of our soldiers. His compassionate leadership, unwavering commitment and selfless dedication are exemplified in his enumerable contributions throughout his distinguished career.

General Speakes was commissioned as an armor officer in 1974. He began his career with troop-leading assignments in the 3d Armored Cavalry Regiment at Fort Bliss, TX, and the Third Brigade, Third Infantry Division in Aschaffenburg, Germany. He commanded the 2d Squadron, 11th Armored Cavalry Regiment at Bad Kissingen, and the 2d ''Blackjack'' Brigade in the First Cavalry Division, Fort Hood, TX.

General Speakes' service also includes assignments on the Joint Staff with the srategic arms reduction talks nuclear negotiations team in the Joint Staff's J5 Directorate for Strategic Plans and Policy, as a war planner in the Joint Staff's J7 Directorate for Operational Plans and Joint Force Development, and on the Army Staff's Force Development Directorate. A graduate of the U.S. Military Academy at West Point, General Speakes received a master's degree in government from Georgetown University and was a fellow at Harvard University's John F. Kennedy School of Government. At Harvard, he coauthored a study of U.N. peace enforcement, ''A Blue Helmet Combat Force.''

His senior assignments include a tour in Europe beginning in 1997 as the V Corps G3 and chief of staff. He then served as the deputy G3 at U.S. Army Forces Command before assignment as the chief of staff of the III Corps in August 2001. From August 2002 thru June 2003, General Speakes served as the assistant division commander of the 4th Infantry Division, Mechanized, and deployed in that capacity for Operation Iraqi Freedom. In June 2003, he departed Tikrit, Iraq, and reported to Kuwait as the deputy commanding general, Third U.S. Army and Coalition Forces Land Component Command. While there, he oversaw the redeployment of 250,000 soldiers and marines as the United States executed the first Iraq force rotation. Returning to the United States, General Speakes served as the director, force development on the G–8 staff from August 2004 to December 2006 before assuming his current responsibilities.

His lovely wife, Mrs. Gigi Speakes, has supported General Speakes and all the members of his commands in every assignment for the past 30 years. She has been integral to all the contributions that this Army team has been able to make to soldiers, the Army and the Nation. She is an outstanding volunteer in all aspects of her service to the Army.

The Speakes are the epitome of an Army family. Clearly, General and Mrs. Speakes' greatest achievement was the raising of two incredible sons, Grant and Brennan. Both are Army officers who have served on multiple deployments in support of Operation Iraqi Freedom. Their continued success in the military is the fruit of their parents' enduring love and dedication to them and other junior soldiers.

On behalf of the Senate and the United States of America, I thank General Speakes, his wife Gigi, and his entire family for the commitment, sacrifice, and contribution that they have made throughout his honorable military service. I congratulate them on completing an exceptional and successful career, and wish them the greatest

happiness as they move on to the next phase of their life together.●

RECOGNIZING D & G MACHINE PRODUCTS, INCORPORATED

● Ms. SNOWE. Mr. President, today I honor the work of a small business from my home State of Maine that produces innovative machine products used to expand the capabilities of factories in all sectors of our nation's economy. Founded in 1967 by Dave Gushee and Fred Loring in a one-car garage, D&G Machine Products, Incorporated, of Westbrook, is now responsible for producing the custom machinery vital to the operation of some of our nation's largest manufacturers.

With 79 highly-skilled employees and multiple facilities totaling more than 100,000 square feet, D&G's custom machine production has boundless possibilities. The company's highly trained designers utilize advanced engineering component modeling software to ensure an accurate and time-effective production process in creating a wide range of manufacturing equipment and machinery such as turbine parts, crank shafts, aerospace components, and food processing equipment.

The company also provides products to myriad companies in the pulp and paper, high technology, power, petrochemical, and defense industries. Furthermore, because D&G is a full-service manufacturer, they are capable of producing manufacturing equipment from a ''build to print'' template, or they can design, install, and implement a new manufacturing model based on a company's request. D&G's commitment to quality and stellar reputation has led to partnerships with numerous American manufacturing giants, such as Georgia-Pacific, General Dynamics, and Raytheon.

Notably, D&G's owner, Duane Gushee, sits on the Manufacturers Association of Maine's, MAMe, Board of Directors. MAMe does tremendous work to promote our State's remarkable manufacturers and to help them become increasingly more competitive. Additionally, as a member of the Maine Aerospace Alliance, one of MAMe's key initiatives, D&G is working to bolster our State's fledgling aerospace industry, which relies upon heavy manufacturing and holds significant promise for Maine's economic future. D&G's equipment design ingenuity is also helping our country keep its waters safe as this innovative small business provides advanced, custom-designed manufacturing tools to the U.S. Coast Guard.

D&G has been consistently recognized for its commitment to quality and critical prowess in the manufacturing field. For example, in 2004, Mr. Gushee was recognized with the Southern Maine Community College Alumni Business Innovation & Entrepreneurial Spirit Award. In turn, D&G has given back to the community in many ways, including making generous yearly donations to the Bruce Roberts Toy Fund, which goes toward the purchase of gifts for needy children.

Beginning as a garage business producing custom tools for manufacturers in Portland and becoming one of the most relied-upon manufacturing equipment suppliers in the nation, D&G and its founders Dave Gushee and Fred Loring provide us with a prescient example of the power of American ingenuity and determination. D&G's success is summed up by Duane Gushee's philosophy of ''constantly modernizing''—words of wisdom for companies seeking to become competitive in today's challenging global marketplace. I congratulate everyone at D&G Machine Products for their invaluable service to our Nation, and I wish them continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which had previously been signed by the Speaker of the House:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

H.R. 621. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1858. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 22, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Steward L. Udall, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3437. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0165–2009–0178); to the Committee on Foreign Relations.

EC–3438. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–3439. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled ''Addressing Poor Performance and the Law''; to the Committee on Homeland Security and Governmental Affairs.

EC–3440. A communication from the Senior Procurement Executive, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–37'' received in the Office of the President of the Senate on October 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–3441. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–190, ''Loree H. Murray Way Designation Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3442. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–191, ''Heat Wave Safety Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3443. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–192, ''Residential Aid Discount Subsidy Stabilization Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3444. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–201, ''Pension Vesting Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3445. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–202, ''National Guard Morale, Welfare and Recreation Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3446. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–203, ''District Residency RIF Protection Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3447. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18–204, ''Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3448. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–205, ''Unemployment Compensation Administrative Modernization Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3449. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–206, ''Unemployment Compensation Additional Benefits Program Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3450. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Eastsound, WA'' ((RIN2120–AA66) (Docket No. FAA–2009–0554)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3451. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Chuathbaluk, AK'' ((RIN2120–AA66) (Docket No. FAA–2009–0231)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3452. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300 and 737–400 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0429)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3453. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) RB211–535E4 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0057)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3454. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212–CB, C–212–CC, C–212–CD, and C–212–CE Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0611)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3455. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Requirements and Procedures for Consumer Assistance to Recycle and Save Program'' (RIN2127–AK61) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3456. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Early Warning Reporting Regulations'' (RIN2127–AK28) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3457. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Chemical Oxygen Generators'' (RIN2137–AE49) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3458. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (Salmo salar) Gulf of Maine Distinct Population Segment; Final Rule'' (RIN0648–AW77) received in the Office of the President of the Senate on October 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3459. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XR92) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3460. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XR91) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3461. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (RIN0648–XR90) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3462. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program, Rockfish Program, Amendment 80 Program; Bering Sea and Aleutian Islands Area Crab Rationalization Program'' (RIN0648–AW56) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3463. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Recreational Fishery; Emergency Rule'' (RIN0648–AY23) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3464. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 7'' (RIN0648–AW19) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3465. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2009 Summer Period'' (RIN0648–XR94) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3466. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XS04) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3467. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XS06) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3468. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XS03) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3469. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested'' (RIN0648–XR84) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3470. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XS12) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3471. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the

Exclusive Economic Zone Off Alaska, Groundfish Observer Program'' (RIN0648–AX94) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1340. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.

Benjamin B. Wagner, of California, to be United States Attorney for the Eastern District of California for the term of four years.

(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. BROWNBACK:

S. 1835. A bill to amend the Internal Revenue Code of 1986 to allow 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 1836. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 1837. A bill to amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. WEBB):

S. 1838. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 1839. A bill to provide for duty free treatment for certain United States Government property returned to the United States; to the Committee on Finance.

By Ms. CANTWELL:

S. 1840. A bill to extend the temporary suspension of duty on Linuron; to the Committee on Finance.

By Ms. CANTWELL:

S. 1841. A bill to suspend temporarily the duty on Terbacil; to the Committee on Finance.

By Ms. CANTWELL:

S. 1842. A bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. GRAHAM):

S. 1843. A bill to provide increased penalties for health care fraud; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1844. A bill to suspend temporarily the duty on ski poles; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1845. A bill to extend the suspension of duty on Avermectin B; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1846. A bill to extend the suspension of duty on cloquintocet-mexyl; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1847. A bill to modify and extend the suspension of duty on clodinafop-propargyl; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1848. A bill to modify and extend the suspension of duty on fludioxinil technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1849. A bill to renew the temporary suspension of duty on primsulfuron; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1850. A bill to modify and extend the suspension of duty on pinoxaden; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1851. A bill to modify and extend the suspension of duty on azoxytrobin; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1852. A bill to suspend temporarily the duty on prosulfuron technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1853. A bill to extend the suspension of duty on mefenoxam technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1854. A bill to extend the suspension of duty on pymetrozine technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1855. A bill to extend the suspension of duty on cyproconazole technical; to the Committee on Finance.

By Mr. BARRASSO:

S. 1856. A bill to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. BROWN, and Mr. KERRY):

S. 1857. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, and Mr. REID):

S. 1858. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 1859. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1860. A bill to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. VITTER):

S. 1861. A bill to amend the Internal Revenue Code of 1986 to provide a 2-year extension of the increased rehabilitation credit for structures in the Gulf Opportunity Zone; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1862. A bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System; to the Committee on Homeland Security and Governmental 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. BOND (for himself and Mrs. MCCASKILL):

S. Res. 320. A resolution designating May 1 each year as ''Silver Star Banner Day''; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 453

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 453, a bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

S. 456

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 491

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. WEBB, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 491, supra.

S. 583

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor 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. 624

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 647

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 647, a bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) 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. 775

At the request of Mr. VOINOVICH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 777

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 777, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and 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.

S. 934

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 945

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 945, a bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 987

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor 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. 1203

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1340

At the request of Mr. LEAHY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1345

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1405

At the request of Mr. KIRK, his name was added as a cosponsor of S. 1405, a bill to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House—Washington's Headquarters National Historic Site''.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 1598

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 1660

At the request of Ms. KLOBUCHAR, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1728

At the request of Mrs. MCCASKILL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1728, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1739

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1739, a bill to promote freedom of the press around the world.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1777

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1777, a bill to facilitate the remediation of abandoned hardrock mines, and for other purposes.

S. 1801

At the request of Mr. CARPER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1801, a bill to establish the First State National Historical Park in the State of Delaware, and for other purposes.

S. 1809

At the request of Mr. WICKER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1809, a bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles.

S. 1820

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1820, a bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1832

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. BOXER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors 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. 1833

At the request of Mr. UDALL of Colorado, the names of the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. RES. 317

At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. LAUTENBERG) 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.

S. RES. 318

At the request of Mr. DODD, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 318, a resolution supporting ''Lights On Afterschool'', a national celebration of afterschool programs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1836. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to introduce legislation that would prohibit the Federal Communications Commission from enacting rules that would seek to regulate the Internet. Today the commission will meet to determine whether the historically open architecture and free flow of the Internet should be subject to onerous Federal regulation. Specifically, the commission will seek to impose ''net neutrality'' rules that would reign in the network management practices of all Internet service providers, including wireless phone companies.

Skeptical consumers should rightly view these new rules as yet another government power grab over a private service provided by a private company in a competitive marketplace. Earlier this year the administration moved to control much of the auto industry and the banking industry and now the administration is trying to control the technology industry by regulating its very core: the Internet.

This government takeover of the Internet will stifle innovation, in turn slowing our economic turnaround and further depressing an already anemic job market. Outside of health care, the technology industry is the nation's fastest growing job market. Innovation and job growth in this sector of our economy is the key to America's future prosperity. In 2008, while most industries were slashing jobs in the worst economy in nearly 30 years, high tech industries actually added over 77,000 good high-paying jobs. Just this month, Google and Yahoo both released positive earnings reports.

According to a report released last week by the Recovery Accountability and Transparency Board, which oversees the stimulus plan, 30,000 jobs have been directly created or saved by contractors who received money from the $787 billion stimulus package for infrastructure and social programs. This pales in comparison to the fact that the high tech industry produced more than double the number of jobs so far ''created or saved'' by the so-called ''stimulus legislation.'' It did so without the assistance of $787 billion from the wallets of taxpayers. Maybe a better stimulus package for this economy would be an administration decision to keep the Internet free of government control and regulation.

Unfortunately, the administration seems oblivious to the fact that their stated opposition to the supposed excesses of capitalism is at odds with a new regulatory regime being lobbied for by the most powerful businesses. As the Chairman of the Federal Communications Commission has recognized, Americans have benefitted enormously from the Internet's ''fundamental architecture of openness.'' The light touch regulatory approach toward the Internet that was advanced by previous administrations has brought Americans social networking, low cost long distance calling, texting, telemedicine and over 85,000 ''apps'' for the iPhone. It also brought us Twitter, You Tube, Hulu, Kindle, the Blackberry and the Palm. It has allowed the Internet to change our lives forever.

The wireless industry exploded over the past twenty years due to limited government regulation. Wireless carriers invested $100 billion in infrastructure and development over the past three years which has led to faster networks, more competitors in the marketplace and lower prices compared to

any other country. Meanwhile, wired telephones and networks have become a slow dying breed as they are mired in state and Federal regulations, universal service contribution requirements and limitations on use.

It is for these reasons that today I introduce The Internet Freedom Act of 2009 that will keep the Internet free from government control and regulation. This will allow for continued innovation that will in turn create more high-paying jobs for the millions of Americans who are out of work or seeking new employment. Keeping businesses free from oppressive regulations is the best stimulus for the current economy.

By Ms. LANDRIEU (for herself and Mr. WEBB):

S. 1838. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to commemorate a defining moment in our Nation's history—the American Civil War. From 1861–1865, the U.S. was torn apart, engaged in the most deadly struggle that has ever befallen our great Nation. As we approach the War's 150th anniversary, we must remember the contributions of our forefathers, those many Americans who gave their lives to make America what it is now. Today I join my colleague, Senator WEBB, in introducing the Civil War Sesquicentennial Commission Act of 2009.

We all studied the Civil War in school. We know that the opening shots of the Civil War were fired at Fort Sumter, South Carolina in April of 1861 and that Robert E. Lee and Ulysses S. Grant agreed to peace at Appomattox Court House, Virginia on April 9, 1865. We recognize those most horrific battles—Antietam, Gettysburg, Fredericksburg, and the 10,000 other sites from New Mexico to Vermont that were host to fighting. We celebrate the strength and bravery of individuals such as Frederick Douglas and Harriett Tubman who risked everything to combat the deplorable institution of slavery. Every February, we observe President Lincoln's birthday, a day to recollect his legacy. The Emancipation Proclamation and Gettysburg address are two of the most memorable documents in American history, and it is thanks to President Lincoln that slavery was eradicated.

These are the most memorable aspects of the Civil War, but the influence and impact reaches so much further. I recently learned that on this very day, 148 years ago, work was underway on a revolutionary new technology—an innovation that would forever change the face of naval warfare. It was in October of 1861 that the keel of the USS Monitor was laid. For those who may not remember, the USS Monitor was the world's first ship to be entirely constructed from iron. It also featured the first rotating gun turret, allowing it to fire in any direction regardless of which way the ship was facing. Naval history recognizes this as the beginning of the end for wooden warships and the need to strategically position ships because their artillery could only be fired in one direction. I recognize this as an example of American ingenuity.

This is just one additional example to show how the events of the American Civil War have reverberated through history. Every aspect of American life was affected whether economic, cultural, political, or otherwise. The most profound consequence of the Civil War was to end the legal edifice that justified the subjugation of people based on accidental characteristics such as race.

We must remember what our forefathers sacrificed for us. More than 3 million men fought in the Civil War. They left their homes and their loved ones to fight for their beliefs, their families, their Nation. 620,000 of those soldiers gave their lives.

We must remember the untold number of civilians who lost their lives or welfare because the battles were taking place all around them. No State, city, community, or family was untouched by devastation or loss.

We must remember the legacies of the Civil War. The U.S. emerged completely altered after the 4 years of struggle, and as a testament of American resilience, grew stronger than it was before. The cultural and political ramifications still shape the American landscape today. It was in the era of Reconstruction that Congress adopted the 13th, 14th, and 15th amendments to the Constitution, acknowledging black Americans as free and equal citizens of the U.S.

The Civil War Sesquicentennial Commission Act of 2009 is about preserving the memory. It will establish a Commission to ensure suitable National observance. Consisting of 25 members from government, business and academia, this commission will develop and carry out programs to commemorate the 150th anniversary of the Civil War. It will work together with State and local governments, as well as various organizations, to assist with these activities and ensure that remembrance occurs at every level.

Mr. President, 2011 marks the anniversary of a monumentally tragic time in American history, but also a time of intensive change, growth, and hope. We must use this opportunity to reflect upon the Civil War, the sacrifices, legacies, and changes in our Nation. I urge support of the Civil War Sesquicentennial Commission Act of 2009.

By Mr. SPECTER (for himself and Mr. GRAHAM):

S. 1843. A bill to provide increased penalties for health care fraud; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to speak about the Strengthening Enforcement for Health Care Fraud Crimes Act of 2009, which I am introducing today with Senator GRAHAM.

At a time when Congress is poised to pass historic health care reform legislation to protect the health of Americans, it is imperative that we do all that we can to eliminate waste, fraud and abuse in America's health care systems. We must do all that we can to prevent, detect and vigorously prosecute health care fraud.

Health care fraud costs tax payers billions of dollars each year. National health care spending in the United States exceeded $2.2 trillion and represented 16 percent of the Nation's Gross Domestic Product in 2007. The National Health Care Anti-Fraud Association, NHCAA, conservatively estimates that 3 percent of all health care spending—or more than $60 billion—is lost to health care fraud perpetrated against both public and private health plans. Other estimates by government and law enforcement agencies suggest losses from fraud as high as 10 percent—or $220 billion annually.

Fraud committed against both public and private plans by health care providers, medical equipment suppliers, drug companies, and also by fraudulent plan operators and brokers, undermines public trust in our health care system.

More importantly, the costs of health care fraud are borne by all Americans. It does not matter if you have health insurance sponsored by your employer, if you purchase privately your own insurance policy, or pay taxes to fund government health care programs. Health care fraud results in reduced benefits and coverage, and higher premiums and costs. It can mean higher taxes and increased budgetary challenges.

Health care fraud often targets the most vulnerable in our society—the elderly, the poor, and the infirm. Criminals involved in health care fraud falsify patients' medical records and steal patients' personal and insurance information to submit fraudulent claims. Health care fraud subjects patients to unnecessary and dangerous medical procedures. According to the FBI:

> One of the most significant trends observed in recent health care fraud cases includes the willingness of medical professionals to risk patient harm in their schemes. FBI investigations in several offices are focusing on subjects who conduct unnecessary surgeries, prescribe dangerous drugs without medical necessity, and engage in abusive or substandard care practices.

FBI Financial Crimes Report to the Public, Fiscal year 2007.

Criminologists have long reported that criminals look at three factors in performing their own cost benefit analysis: the risk of getting caught; the probability of being convicted; and the severity of the punishment.

The bill I am introducing today addresses the third factor—and sends the message loud and clear to those who would contemplate committing health

care fraud. If caught stealing $100,000 or more you will go to jail—no ifs, ands or buts. The bill provides a sentence of at least 6 months incarceration for committing health care fraud with losses of $100,000 or more. You may even get more jail—under the discretionary guidelines—but no one will get less than 6 months for schemes of this size.

Since the Supreme Court decided United States v. Booker in January 2005 and made the Sentencing Guidelines advisory, sentencing judges have wide discretion to impose sentences on criminal defendants unless mandatory minimum sentences are applicable. Except for aggravated identity theft crimes, defendants do not face mandatory imprisonment for white collar crimes. Given the importance and necessity to vigorously prosecute and punish serious health care fraud crimes, I urge the Senate to pass this bill. Without it, there will be no certainty of punishment nor effective deterrence for serious health care fraud crimes.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. BROWN, and Mr. KERRY):

S. 1857. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, today I introduced legislation to create a national strategy for treating two diseases that affect millions of Americans: depression and bipolar disorders. This bill, the Establishing a Network of Health-Advancing National Centers of Excellence for Depression, or the ENHANCED Act, will establish a network of national centers of excellence for the treatment of these disabling conditions. My bill would increase the number of people with depressive disorders who receive appropriate and evidence-based treatment; it would create a national resource to develop and disseminate evidence-based interventions, and provide public and professional education aimed at eradicating the stigma associated with depressive and bipolar disorders.

Depression and bipolar disorders affect one of every five people in the United States and are the leading cause of disability among individuals between the ages of 15 and 44. In fact, more Americans suffer from depression, bipolar illness and other mood disorders than from coronary heart disease and cancer combined.

Depression can affect anyone, at any age, at any time. It affects children, adolescents, and adults. It affects people of all racial, ethnic, religious, and socioeconomic levels as well as both sexes. Young adults, women of childbearing age, people with chronic medical conditions such as diabetes and heart disease, and adults over the age of 55 are at especially high risk of depression.

With medication, psychotherapy, or combined treatment, most people with depression and mood disorders can be effectively treated and resume productive lives. Yet one-third of those suffering from depression—nearly 5 million Americans—do not receive treatment because they cannot afford it, do not believe it is needed, are afraid of societal judgment, or do not know where to go.

My bill is based on work done informally by 16 academic research institutions across the nation. Led by my own State's University of Michigan Depression Center, these comprehensive research and treatment centers have joined together to create a network of depression centers positioned to take academic research and translate it into practice, standardize diagnoses, treat early and more effectively, and prevent recurrences of depression and bipolar disorders.

Currently, there is no direct federal support or coordination of this work. Clinicians lack universally accepted multi-disciplinary approaches and real-time clinical and care management guidelines. Nearly half of all diagnoses of depression and bipolar are missed. And tragically, one of the preventable costs of undiagnosed, untreated and undertreated depression is suicide. The World Health Organization recently reported that suicide causes more deaths around the world every year than homicide or war. Across all age groups nationwide, more than 90 percent of those who commit suicide have a diagnosable psychiatric illness at the time of death: usually depression, alcohol abuse or both. Clearly, we need better diagnostic approaches to depression in primary care, other medical settings, and mental health programs.

Finally, depression has a significant economic impact on society. The estimated total annual cost of depression in the U.S. is $83.1 billion, with the majority of costs in the form of reduced productivity, absenteeism, and mortality.

The ENHANCED Act offers us a viable response to a devastating and often debilitating disease: it would create a national network with a pathway for developing and expanding up to 30 depression centers of excellence with a goal of increasing access to the most appropriate and evidence-based depression care; it would develop and disseminate evidence-based treatment standards, clinical guidelines, and protocols to improve accurate and timely diagnosis of depression and bipolar disorders; it would expand multidisciplinary, translational, and patient-oriented research by fostering the collaboration of academic and community-based organizations; and, it would establish a sustainable national resource for public and professional education and training.

We need to act now to make effective and evidence-based treatment of depressive and bipolar disorders available to the millions of Americans suffering from depression.

I urge my colleagues to join me today to support the ENHANCED Act.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

MENTAL HEALTH AMERICA,
Alexandria, VA, October 13, 2009.

Hon. DEBBIE STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of Mental Health America (MHA) and our national network of more than 300 affiliates across the United States, I wanted to express our strong support for your legislative proposal to establish national centers of excellence for the treatment of depressive and bipolar disorders.

Your proposal to create the national network of centers of excellence for depressive and bipolar disorders would enhance the coordination and integration of physical, mental and social care that are so critical to the identification and treatment of depression and other mental disorders across the lifespan. The work of these centers will be an essential component in the dissemination and implementation of evidence-based practices in clinical settings throughout the country.

The goals of this initiative would be to create improved clinical care guidelines, chronic care coordination, multi-disciplinary translational research, and public-private partnerships. Publicly available national databases would be developed and community resources would be leveraged. This initiative would also encourage the use of electronic health records and telehealth technologies to better coordinate, manage, and improve access to care.

These centers are especially critical at this time given the strong evidence that economic uncertainty and recession increase the rates of psychiatric symptoms and demand for services. Depression is associated with poorer health outcomes and higher health care costs. Rates of depression and suicide—already at a staggering level of nearly 33,000 persons a year (roughly twice the number of homicides)—tend to climb during times of economic tumult. Our nation must prioritize the integration and coordination of mental health with general health care.

As you know, the lack of adequate care coordination for individuals with mental illness makes this population particularly vulnerable. For example, persons with serious mental illness die, on average, 25 years earlier than the general population, mainly due to other co-occurring chronic conditions. This proposal is an important step in an effort to decrease these distressing mortality rates and improve the quality of life for individuals experiencing mental health conditions.

MHA applauds your work on this important legislative initiative and looks forward to working with you to achieve its enactment at the earliest possible date.

Sincerely,

DAVID L. SHERN, PH.D,
President and CEO.

AMERICAN ASSOCIATION FOR GERIATRIC PSYCHIATRY,
Bethesda, MD, October 6, 2009.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the American Association for Geriatric Psychiatry (AAGP), I wanted to take this opportunity to express our strong support for your

legislative proposal to establish national centers of excellence for the treatment of depressive and bipolar disorders.

AAGP is a professional membership organization dedicated to promoting the mental health and well being of older Americans and improving the care of those with late-life mental disorders. AAGP's membership consists of approximately 2,000 geriatric psychiatrists as well as other health professionals who focus on the mental health problems faced by older adults.

Of the approximately 32 million Americans who have attained age 65, about five million suffer from depression, yet an astounding number go without treatment. Depression is associated with poorer health outcomes and higher health care costs. Those with depression are more likely to be hospitalized and experience almost twice the number of medical visits than those without depression. Older adults also have the highest rate of suicide in the country, accounting for approximately 20 percent of all suicide deaths; and the suicide rate for those 85 and older is nearly twice the national average.

The national network of centers of excellence for depressive disorders that would be created by your proposal would enhance the coordination and integration of physical, mental and social care that is so critical to the identification and treatment of depression and other mental disorders across the lifespan. The work of these centers will be an essential component in the dissemination and implementation of evidence-based practices in clinical settings throughout the country.

We applaud your work on this important legislative initiative and look forward to working with you to achieve its enactment at the earliest possible date.

Sincerely,

CHARLES F. REYNOLDS, III, MD,
President.

AMERICAN ACADEMY OF
CHILD AND ADOLESCENT PSYCHIATRY,
Washington, DC.

Hon. SHERROD BROWN,
Russell Senate Office Building,
Washington, DC.
Hon. JOHN KERRY,
Russell Senate Office Building,
Washington, DC.
Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building,
Washington, DC.
Hon. DEBBIE STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS BROWN, KERRY, HUTCHISON, AND STABENOW: On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), I write to support the ENHANCED Act of 2009. The establishment of national centers of excellence for the treatment of depression and bipolar disorder is essential as we move forward with real healthcare reform.

As child and adolescent psychiatrists, our members are deeply invested in early identification of children with depressive disorders, as well as prevention strategies targeting children at risk. As many as 1 in 33 children and 1 in 8 teenagers in the United States have clinical depression. Suicide is the leading cause of death among those between the ages of 15 and 24.

While many adolescents are diagnosed with a depressive disorder, most go undetected and untreated. Lack of detection leads to social and academic decline, may foster treatment resistance in children, and result in many future problems.

The AACAP is a medical membership association established by child and adolescent psychiatrists in 1954. Now over 8,000 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 14 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders.

On behalf of AACAP's members, I commend you for your continued leadership on this issue. We are pleased to support this bill and we look forward to working with you and your staff to ensure its passage. Please contact Kristin Kroeger, Director of Government Affairs, if you have any questions concerning children's mental health issues.

Sincerely,

ROBERT L. HENDREN,
President.

AMERICAN FOUNDATION
FOR SUICIDE PREVENTION,
New York, NY, October 21, 2009.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: It is with great enthusiasm that we write to support the ENHANCED Act which would establish a national network of Centers of Excellence for the treatment of a full range of depressive disorders that afflict our population.

Although depressive disorders are the most common illnesses that lead to disability in our country, there has been little concerted national effort to acknowledge the problem and enhance the treatment. Besides disability, they cause enormous suffering, loss of productivity, difficulty with family, friends and colleagues and can be fatal. As you are aware, suicide is the 11th leading cause of death in this country. Ninety percent of those who die by suicide have a mental disorder and the most common mental disorder is depression. Most people have known someone who has died by suicide. While survivors often recognize that the person was in a great deal of pain and agony, they often do not understand that the person was suffering from a treatable disease. We believe that this legislation can lead to partnerships between organizations like ours and the Centers of Excellence with the goal of reducing suicide. This has been an unrealized national imperative since the National Strategy for Suicide Prevention was issued in 2001.

Given that there is evidence that depression is under-recognized and often inadequately treated, we believe that these Centers of Excellence would provide appropriate and evidence-based treatment. In so doing, they would provide families, the public and professionals with knowledge about theses disorders and help to erase the stigma that exists about them.

Treating depression requires a great deal of skill in order to provide the best care to each individual. These Centers of Excellence will promote best practices and therefore become national resources for the 35,000,000 people affected with depressive illnesses.

Given the recent well-documented increase in suicides in the military and returning veterans, it is clear that the country needs an all-out commitment to the education and treatment of these disorders. Thank you again for your work on this bill and please let us know how we can ensure that it becomes law, so that millions of Americans suffering from depressive disorders can recover and live healthy and productive lives.

Sincerely,

ROBERT GEBBIA,
Executive Director.
PAULA J. CLAYTON,
Medical Director.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 1859. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I introduce the Child Support Protection Act of 2009; with my colleagues Senators CORNYN, KOHL, and SNOWE. This bill continues the longstanding, bipartisan support of Congress for the Child Support Enforcement program, which began with the passage of the authorizing legislation in 1974.

Child support enforcement is a strong partnership between the Federal Government and State governments to help parents provide long term support for their children. It includes a network of 60,000 dedicated staff serving 17 million children across this country.

In 2008, paternity was established for 1.8 million children ensuring that the legal rights of both the children and their fathers were protected; 1.2 million orders for support were also established, resulting in $26.6 billion of child support being collected and distributed to families. This is an important investment in the future of our Nation, our children.

So, the Child Support Enforcement program's results are impressive and it is widely recognized as one of the most effective programs operated by the Federal Government. In fact, the program is notable for collecting $4.79 for each dollar of expenditure. It is a true bargain that works well.

Child support collections account for 31 percent of the income of single parent households, but the program does so much more. It works with non-custodial parents who need employment so that they can make regular payments. Child support staff also play a critical role in times of high joblessness, by processing adjustments to support orders so that non-custodial parents do not fall hopelessly behind.

When Congress passed the Child Support Performance and Incentive Act of 1998, CSPIA, it created an innovative incentive program that rewards efficient, results-oriented child support enforcement efforts. These earned performance incentives must be used for child support activities. One of every $4 from State expenditures to fund the child support program comes from CSPIA incentives and matched Federal funds. The Deficit Reduction Act, DRA, of 2005 repealed the authority to use the earned performance incentives as a match for Federal funds. The bill we have introduced today reverses the funding reduction imposed by the DRA.

States are using the incentives in a variety of ways. In my State of West Virginia, the incentive dollars are being used to invest in technology to upgrade services and enhance customer service. Thirty States or territories are investing in staff and program operations. Sixteen States are investing in

technology, and three others are investing in customer service programs.

The Child Support Protection Act would give States the authority to use earned performance incentives to fund this important work and continue the impressive results that are being achieved. This permanent reversal is critical so that those in State and local government can budget for 2011 and beyond. I urge my colleagues in the Senate to cosponsor this much needed legislation that is not only important to child support enforcement, but our children, their families, and the States.

Mr. KOHL. Mr. President, I rise with my colleagues, Senators ROCKEFELLER, CORNYN and SNOWE, in support of the Child Support Protection Act. Our bipartisan group has joined together in a fight for our states, counties and the people we serve every day. The legislation we are introducing today represents a renewed effort in that fight, as we work to restore cuts to the child support enforcement program.

This fight began in 2005 during Senate debate of the Deficit Reduction Act, or the DRA. That bill included cuts to the child support enforcement program—one of the most effective federal programs and one that directly benefits hardworking, single parent families. During consideration of the DRA, I joined 75 other Senators in support of a resolution rejecting child support funding cuts. But conferees ignored the Senate's record, including a provision to prevent states from receiving Federal matching funds on incentive payments.

Before passage of the Deficit Reduction Act, states with high-performing child support enforcement programs were eligible for additional funding. With the limitation included in the final bill, however, States like Wisconsin were suddenly penalized for their hard work and success. These states saw their child support dollars disappear—and were faced with tough budgeting decisions at both the state and county levels. Within a year, child support offices in my State were forced to lay off workers and many were left with no option but to scale back services.

Congress took a step towards fixing the problem as part of the American Recovery and Reinvestment Act. The Recovery bill temporarily restored the funding process that was in place before the Deficit Reduction Act, and allowed States—for fiscal years 2009 and 2010—to draw down much needed Federal matching funds. In Wisconsin, the need was so great that some offices used that funding to hire temporary staff—to clear case backloads and assist the constituents who have been hurt by the funding cuts.

This is a short term solution—to a problem that Congress created. It is time to fix that problem. The economy has left families struggling, and child support is a lifeline for many of them. It is time to give States and counties the ability to budget beyond the coming year. It is time to help the thousands of families who rely on child support payments to stay out of poverty and off public assistance. It is time for my colleagues to join me in supporting, and to pass, the Child Support Enforcement Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—DESIGNATING MAY 1 EACH YEAR AS ''SILVER STAR BANNER DAY''

Mr. BOND (for himself and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 320

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces,

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying; and

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten: Now, therefore, be it

Resolved, That the President is authorized and requested to issue a proclamation designating May 1 each year as ''Silver Star Service Banner Day'' and to call upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2698. Mr. FEINGOLD 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 2699. Mr. ISAKSON (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2698. Mr. FEINGOLD 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:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

SA 2699. Mr. ISAKSON (for himself and Mr. DODD) 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:

At the end, insert the following:

SEC. ___. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ELIMINATION OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (a) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''who is a first-time homebuyer of a principal residence'' and inserting ''who purchases a principal residence''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 36 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Section 36 of such Code is amended by striking ''**FIRST-TIME HOMEBUYER CREDIT**'' in the heading and inserting ''**HOME PURCHASE CREDIT**''.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following new item:

''Sec. 36. Home purchase credit.''.

(D) Subparagraph (W) of section 26(b)(2) of such Code is amended by striking ''homebuyer credit'' and inserting ''home purchase credit''.

(b) EXPANSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''December 1, 2009'' and inserting ''July 1, 2010''.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f) of such Code is amended by striking ''December 1, 2009'' and inserting ''July 1, 2010''.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting ''AND 2010'' after ''2009''.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended—

(A) by striking ''December 1, 2009'' and inserting ''January 1, 2010'', and

(B) by adding at the end the following: ''In the case of a purchase of a principal residence after December 31, 2009, and before July 1, 2010, a 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)).''.

(c) MODIFICATION OF INCOME LIMITATION.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$150,000'' in paragraph (2)(A)(i)(II) and inserting ''$300,000'', and

(2) by striking ''$75,000'' in such paragraph (2)(A)(i)(II) and inserting ''$150,000''.

(d) WAIVER OF ACCELERATED RECAPTURE FOR MEMBERS OF THE ARMED FORCES.—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) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (2) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to residences purchased on or after the date of the enactment of this Act.

(2) EXTENSION.—The amendments made by subsection (b) shall apply to residences purchased after November 30, 2009.

SEC. ___. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer's spouse meets such age requirement.''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by striking ''subsections (c) and (f)(4)(D)'' each place it appears and inserting ''subsection (b)(3), (c), and (f)(4)(D)''.

(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 '', or'', and by adding at the end the following new paragraph:

''(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.''.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(2)(A) of such Code, as redesignated by this Act, 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 is amended by striking ''and'' at the end of subparagraph (M), by striking the period at the end of subparagraph (N) and inserting '', and'', and by inserting after subparagraph (N) the following new subparagraph:

''(O) 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 section 36(d)(3).''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. ___. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

''(A) IN GENERAL.—The Secretary shall require than any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

''(i) such return is filed by such tax return preparer, and

''(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

''(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term 'specified tax return preparer' means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 100 or fewer individual income tax returns during such calendar year.

''(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term 'individual income tax return' means any return of the tax imposed by subtitle A on individuals, estates, or trusts.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of such Code is amended by striking ''The Secretary may not'' and inserting ''Except as provided in paragraph (3), the Secretary may not''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. ___. EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsections:

''(h) APPLICATION TO CORPORATIONS.—Notwithstanding any regulation prescribed by the Secretary before the date of the enactment of this subsection, for purposes of this section the term 'person' includes any corporation that is not an organization exempt from tax under section 501(a).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''amounts in consideration for property,'' after ''wages,'',

(2) by inserting ''gross proceeds,'' after ''emoluments, or other'', and

(3) by inserting ''gross proceeds,'' after ''setting forth the amount of such''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, November 4, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1369, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes;

S. 1405, to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House-Washington's Headquarters National Historic Site'';

S. 1413, to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes;

S. 1767 and H.R. 1121, to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes;

S. Res. 275, honoring the Minute Man National Historical Park on the occasion of its 50th anniversary;

H.R. 2802, to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; and

H.R. 3113, to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Allison Seyferth at (202) 224–4905.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Subcommittee on Public Lands and Forests to receive testimony on managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration has been rescheduled.

The rescheduled hearing will be held on Wednesday, November 18, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to: allison__seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224–5488 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 22, 2009, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. 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 22, 2009.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 22, 2009, at 10 a.m., to hold a hearing entitled ''NATO: A Strategic Concept for Transatlantic Security.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 22, 2009, at 3 p.m., to hold a members briefing entitled ''Status Report on Iran.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Keeping America's Families Safe: Reforming the Food Safety System'' on October 22, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 22, 2009, at 10 a.m. to conduct a hearing entitled ''Presidential Advice and Senate Consent: The Past, Present, and Future of Policy Czars.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on October 22, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 22, 2009, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 22, 2009, at 2:30 p.m.

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

MEDAL OF HONOR COMMEMORATIVE COIN ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1209.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1209) to require the Secretary of the Treasury to mint coins in recognition and 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1209) was ordered to a third reading, was read the third time, and passed.

PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN OF THE UNITED STATES POSTHUMOUSLY

Mr. REID. I now ask we proceed to H.J. Res. 26, after the Judiciary Committee is so discharged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 26) proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. Mr. President, October 11, 2009, marked the 230th anniversary of the death of General Casimir Pulaski, a man who made the ultimate sacrifice in pursuit of American independence.

In March, I introduced S.J. Res. 12 to grant honorary posthumous citizenship to General Pulaski. The Senate passed my resolution unanimously. Recently, the House of Representatives passed H.J. Res. 26, the House's version of this resolution, which was introduced by Representative DENNIS KUCINICH. Today, the Senate will consider H.J. Res. 26 and I urge my colleagues to support it.

I would like to thank Senator LISA MURKOWSKI, the lead Republican cosponsor of S.J. Res. 12, as well as the resolution's other cosponsors, Senators MIKULSKI, CARDIN, WHITEHOUSE, DODD, BROWN, BURRIS, and PRYOR. I would especially like to thank the Polish Legion of American Veterans, U.S.A., for their longstanding and tireless support for this resolution.

This resolution is a long overdue tribute to a man who gave his life to the cause of American freedom, a man who is often referred to as the ''Father of the American Cavalry.''

General Pulaski was born in Warsaw, Poland, and became a Polish national hero for his struggles against Russian domination. His opposition to Russian influence and participation in an unsuccessful rebellion against Russia led to his exile from Poland.

Seeking refuge, Pulaski traveled to France, where he met Benjamin Franklin and was inspired to join the Continental Army in its fight for American independence. Franklin recommended Pulaski to General George Washington as ''an officer renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom.''

On September 11, 1777, Casimir Pulaski fought with distinction in the Battle of Brandywine, where his bravery and military skill helped to avert American defeat and save the life of George Washington. Upon Washington's recommendation, the Continental Congress promoted Pulaski to General and appointed him General of the Cavalry. That same year, Casimir Pulaski wrote to Washington, ''I came here, where freedom is being defended, to serve it, and to live or die for it.''

General Pulaski recruited, outfitted, and trained America's first true cavalry. Pulaski often even used his own personal finances to provide his troops with the finest equipment to ensure their safety in battle.

Two years after he joined the fight for American freedom, Pulaski was mortally wounded during a major offensive against British forces in Savannaha, GA. He died at sea, aboard the USS *Wasp*, on October 11, 1779.

General Pulaski's valiant service and heroic death inspired his contemporaries and continue to inspire us today. Shortly after his death, the Continental Congress resolved to build a monument in his honor that proved to be the first of many. In 1825, General Lafayette, an honorary American citizen, laid the cornerstone for the Pulaski monument in Savannah, GA. In 1929, Congress resolved that October 11 of each year would be Pulaski Day in the United States, and several States have followed that example. There are countless schools, streets, towns, and memorials across this country that bear his name and honor his contributions to our Nation's birth.

In my home State of Illinois, we are privileged to have a large and vibrant Polish American community. Chicago is home to the Polish American Museum and the Polish American Congress, which includes three thousand Polish organizations from across the country. The Polish American community also has a large presence in the Illinois National Guard, which has enjoyed a long-standing relationship with the Polish Air Force.

Illinois honored General Pulaski in 1973 by designating the first Monday of every March Pulaski Commemorative Day. In 1986, that day was declared a State holiday.

Honorary citizenship is long overdue and a proper tribute to a man who gave his labor and life to the cause of American independence. I urge my colleagues to support H.J. Res. 26 to honor General Casimir Pulaski and his indelible contribution to our Nation's birth.

Mr. REID. I ask unanimous consent the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The joint resolution (H.J. Res. 26) was ordered to a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 1858

Mr. REID. It is my understanding that S. 1858 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1858) to require Senate candidates to file designations, statements, and reports in electronic form.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, OCTOBER 26, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 26; 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 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.

PROGRAM

Mr. REID. As previously announced, there will be no rollcall votes during Monday's session of the Senate. The next vote will occur at 2:30 p.m. on Tuesday, October 27. That vote will be on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Next week will be a busy week. We hope to complete action on the Unemployment Insurance Extension Act, Commerce-Justice-Science Appropriations, and Military Construction Appropriations. We also need to pass a continuing resolution before the end of the week.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Tuesday, October 27, following a period of morning business, the Senate proceed to executive session to consider Calendar No. 470, the nomination of Irene Berger to be United States District Judge for the Southern District of West Virginia; that debate be limited to 60 minutes equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 2:15 p.m. the Senate proceed to vote on confirmation of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, no further motions be in order, and the Senate then resume legislative session, and that upon resuming legislative session, the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 3548.

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

ADJOURNMENT UNTIL MONDAY, OCTOBER 26, 2009, AT 2 P.M.

Mr. REID. 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 7:07 p.m., adjourned until Monday, October 26, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

BETTY E. KING, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LILLIAN A. SPARKS, OF MARYLAND, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE QUANAH CROSSLAND STAMPS, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JAMES C. LEWIS

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

TIMOTHY M. SHERRY

To be lieutenant commander

ROBERT N. MILLS