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No. 25

Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Benny Tate, senior pastor of Rock Springs Church in Milner, GA.

The guest Chaplain offered the following prayer:

Let us pray.

Our Heavenly Father, we bow our heads in Your presence. The Bible teaches us, "Behold how good it is for brethren to dwell together in unity, because a House divided will not stand." May Your servants in this body not look to parties, personalities, preferences or press, but may they focus on principles and people.

God, we call our Senators politicians, but You call them ministers in the Bible. May all 100 Members of this body make full proof of their ministry. I ask for Your guidance on their decisions and Your grace on their families. Keep every one of them close and clean, being accountable to You.

We ask for protection for our men and women who so bravely protect us all over our world. We pray respecting all faiths, but pray this prayer in the Name of the Lord Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 1299, which the clerk will report.

The legislative clerk read as follows:

A House message to accompany H.R. 1299, an Act making technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

Pending:

Reid amendment No. 3326 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 3327 (to amendment No. 3326), of a perfecting nature.

Reid amendment No. 3328, to provide for a study.

Reid amendment No. 3329 of a perfecting nature.

Reid amendment No. 3330 (to amendment No. 3329), of a perfecting nature.

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

SCHEDULE

Mr. CASEY. Madam President, today, the Senate will resume consideration of the House message with respect to H.R. 1299, the legislative vehicle for the Travel Promotion Act. Yesterday, the majority leader filed cloture on the motion to concur. That vote will occur tomorrow morning, unless we are able to reach an agreement to vote today.

In addition, we are also working on an agreement to consider a bill that would extend certain expiring tax provisions for 30 days. If we are able to reach an agreement, we could see votes on that after 4 p.m. There will be no rollcall votes prior to 4 p.m. to allow Senators to attend the health care summit with the President of the United States.

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

GUEST CHAPLAIN DR. BENNY TATE

Mr. CHAMBLISS. Madam President, I rise this morning to thank our distinguished guest Chaplain, Dr. Benny Tate, of Milner, GA, who has brought us an inspirational message with which to begin our day.

Dr. Tate is the senior pastor of Rock Springs Church in Milner, GA, and has served his congregation well for 20 years. When Dr. Tate began preaching at Rock Springs Church, only 20 people came to worship on a given Sunday. Today, Dr. Benny Tate preaches to more than 4,000 people on any given Sunday. Rock Springs Church is now the largest church in the Congregational Methodist denomination.

Dr. Tate is the kind of pastor who finds creative ways to go out to the community and spread the word of God. He hosts the "Apples of Gold" radio program, reaching out to central Georgians through 15 radio stations.

He has worked with local civic organizations, leading his flock by example. He served as the Chappell Mill Fire Station Chaplain and as a Georgia

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



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Youth Camp board member, just to name a couple of his activities. He has also written three books as well as pieces for the local Griffin Daily News.

One of his books has been read by both my wife and myself and has a very unique and very appropriate title called "Happy Wife, Happy Life." All of us males have a great appreciation for that title.

I have had the privilege of attending Dr. Benny Tate's church on many occasions. I have always found Rock Springs Church to be a very holy, spirit-filled church.

Dr. Tate has a very unique way of spreading the gospel in a manner that is mixed with humor and yet direct, personal feelings and the word of the Holy Spirit and the message that Jesus Christ gives to him. In short, he has effected positive changes in the church and the community through his outreach. We appreciate his efforts and his words of worship this morning, and I am very pleased to have my dear friend, Dr. Benny Tate, with us today.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

Mr. KAUFMAN. Madam 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. CORNYN. Madam 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. CORNYN. Madam President, I wish to speak as in morning business, and I ask unanimous consent to do so.

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

HEALTH CARE REFORM

Mr. CORNYN. Madam President, as are many of us, I have been watching with great interest the bipartisan health care summit that is being broadcast on television. I am happy there is a bipartisan meeting at the White House to discuss health care reform. The practicalities are that only 38 of the 535 Members of Congress can participate directly in the summit, but

I know that representatives of our political parties are there, along with the President. They are talking about something that is very near and dear to all of our hearts, and that is how to bring down the costs of health care which is priced out of the reach of many of the American people, including too many in my State of Texas.

Unfortunately, sometimes in Washington what happens is, you see what is happening on TV or what is happening on the floor of the Senate, and it looks like one thing. Then you find out that behind the scenes something very different is happening. What I am speaking about in particular is, in contrast to a bipartisan summit on health care, my understanding is there are efforts underway on the part of the staff of the majority party to consider the use of reconciliation to try to pass an unpopular health care bill with 51 votes on a party-line basis.

I think that contrast between what people are seeing on TV and what is actually happening behind the scenes is pretty telling. I would say it is disappointing because I think health care reform is too important. It affects one-sixth of our economy. It affects 300 million Americans. It is simply too significant a step to take to try to do so strictly along partisan party lines.

So while it is true that reconciliation has been used in the past, it has never been used for anything such as this. This would be unprecedented. I think it would be an act of defiance toward the American people who overwhelmingly disapprove of this legislation.

There is no doubt that we need health care reform. Premiums have more than doubled over the last decade. Medicare, which provides access to health care for our seniors, has a \$38 trillion unfunded liability which translates into an IOU for every American family in the amount of \$325,000.

If we heard anything out of the recent election in Massachusetts, I think it is that the American people think there is too much spending and too much borrowing taking place in Washington, DC; too many responsibilities, such as this unfunded Medicare liability, that are simply not being met.

We know Medicaid continues to be problematic in not providing access to enough low-income people who are ostensibly beneficiaries of Medicaid. In the Metroplex in Texas, Dallas-Fort Worth, only 38 percent of doctors will see a new Medicaid patient because reimbursement rates are so low. That is not keeping the promise of access. It is, unfortunately, too much like appearing to do one thing on the one hand and actually delivering something far different on the other hand.

I think everyone agrees we need to solve these important problems. But how we go about solving the problem is important to maintaining the confidence and trust of the American people. I think bipartisanship on this subject is absolutely crucial.

After Massachusetts sent our newest Senator, SCOTT BROWN, to Washington,

we know there was more talk about bipartisanship. But instead of working together to solve these problems, bipartisanship has so often translated into: Take it or leave it; if we can do this strictly with a majority party vote, we will.

That is what happened on Christmas Eve. I remember that 7 a.m. vote on Christmas Eve when 60 Senators on the other side voted to pass a health care bill that the American people have simply said in poll after poll they do not want. Of course, now we see the White House repackaging an unpopular House bill with an unpopular Senate bill and posting 11 pages on the White House Web site and claiming this is somehow a package that is sacrosanct and cannot be touched. But in no sense could it possibly be considered a bipartisan piece of legislation. To only let the majority party say: Well, this is the basic template, and you can tweak it around the edges but you cannot change any part of it—that is not bipartisanship.

So now after the election of Senator SCOTT BROWN, who campaigned on the pledge that he would be the 41st vote to defeat the Senate health care bill because of its spending, its raising taxes, and its raising premiums on people with insurance, its taking \$½ trillion from Medicare—already another fiscally unsustainable entitlement program, with \$38 trillion in unfunded liabilities—to create yet another entitlement program, the people of Massachusetts sent Senator SCOTT BROWN here to stop the health care bill that they don't want.

Now we find the majority party wanting to use reconciliation, a hyperpartisan tactic, to ram a bill through that the American people have rejected, most recently in Massachusetts. If we are talking about trying to regain the public's confidence, not only is bipartisanship important in terms of bringing solutions to health care but transparency is crucial when we are talking about something so big that affects so many.

You will remember in 2008 when President Obama was Senator Obama running for President of the United States, he promised to broadcast negotiations on C-SPAN for the American people to see who was arguing on their behalf and who was not.

In stark contrast, again, between what was said then and what was actually done, we saw the White House cutting deals with special interest groups, such as the pharmaceutical industry. We saw individual Senators demand and get special deals for their States as a condition to giving their votes to pass that bill.

As much as anything else in the bill, I think the way the bill was passed with the sweetheart deals, secret negotiations, and lack of transparency turned the American people off to these health care bills. I know the President said that after his election Washington would not be business as

usual. Unfortunately, it has been, and the American people don't like it.

This subject—health care reform—is too big and too important and too costly to do through sweetheart deals, backroom negotiations, and with utter disregard for transparency. The American people are smarter than I think many folks in Washington, DC, give them credit for because they know this health care proposal is not lasting reform, and it simply would not work as advertised.

The White House proposal will still increase premiums on American families; that is, if you have health insurance now, this White House proposal, an amalgam of the Senate and House bills, will raise your insurance premiums because of costly Federal Government mandates. But this White House bill does one thing the Senate bill did not. It actually spends \$75 billion more than the Senate bill that passed this body on Christmas Eve, at 7 a.m.

The White House bill does share some common elements with the Senate proposal. It still cuts nearly \$500 billion from Medicare to create a new entitlement program, including a program that is very popular in my State called Medicare Advantage, which gives seniors access to more choices and the quality care they like. Rather than allow them to continue to keep that Medicare benefit, this proposal, the White House bill—like the Senate bill—would cut \$500 billion from Medicare, including Medicare Advantage.

The basic problem, again, is that we call this “health care reform,” but the health care bill offers no long-term plan for the Medicare Program's solvency—in other words, that \$38 trillion I mentioned a moment ago. This actually makes it worse by taking another \$½ trillion out of Medicare and makes things worse, not better, when it comes to the program's long-term solvency. I simply think the choice the President has made, and that the Senate and House health care bills have made, to force millions of low-income people onto Medicaid is simply not right, giving them no choices but a government-run program which, as I mentioned earlier, denies them access too many times to a doctor because they cannot find a doctor who will see patients and accept government rates for Medicaid reimbursements.

I mentioned the 38-percent figure in the Metroplex of Dallas-Fort Worth. Only 38 percent of the doctors there will see these patients because of the rates. Yet these health care bills force millions of people onto that program along with, in the process, promising them access to care but then not delivering as advertised.

Then there is this problem. As you know, the Medicaid Program—the cost of that is borne by the Federal Government and the State governments. In my State alone, the health and human services commission in Texas estimates that the expansion of Medicaid

under the President's proposal will cost Texas taxpayers an additional \$24.3 billion over the next 10 years. That \$24.3 billion is an unfunded mandate that is contained in this bill.

Where does that money come from? Well, too often—I think some of our former Governors will tell you that what happens is, that is money that has to be used for an unfunded mandate from the Federal Government that comes from education, higher education budgets, law enforcement budgets, and other State priorities. It is simply irresponsible for Congress to force on State taxpayers this responsibility to pay for this unfunded mandate when there are other priorities the States have chosen that they think are important—things such as education, as I mentioned, and law enforcement.

The unfunded mandate in this bill is simply unacceptable. The Wall Street Journal summed up the President's proposal this way:

It manages to take the worst of both the House and Senate bills and combine them into something more destructive. . . .

It includes more taxes, more subsidies, and even less cost control than the Senate bill.

And it purports to fix the special interest favors in the Senate bill not by eliminating them—but by expanding them to everyone.

We know the furor it caused across the country when some Senators were able to negotiate more favorable Medicaid reimbursements than the rest of the country and when everybody found out those who were not in those favored States would end up paying for those special favors that were necessary in order to get 60 votes. This bill doesn't repeal those; it simply expands them to everybody, vastly increasing the cost of this legislation and making it even worse, not better.

The President and his congressional allies who support this legislation seem to think the only reason the American people oppose these bills is “misinformation.” I suggest we simply look at the facts—in this case straight from the Congressional Budget Office—and see what they, the official scorekeeper for Congress, have to say about these pieces of legislation.

The CBO said premiums for those who have health insurance of some kind—85 percent of the American people—whether it is through government programs like Medicare, the VA, or the like, but those who have private insurance, their premiums will go up by 10 to 13 percent or an average of \$2,100 for families buying policies on their own. That is in the individual market where most small businesses and individuals have to shop for their insurance. Their health insurance premiums will go up an average of \$2,100 a family or 10 to 13 percent.

No wonder the more people learn about this legislation the less popular it becomes, and individuals who get health care through small businesses or larger employers, which is 83 percent of Americans, will see the status quo. They will see their premiums con-

tinue to increase by 5 to 6 percent a year.

I thought health care reform was about bringing down the cost and making it more affordable, “bending the cost curve,” to use the jargon that has been used here time after time over the last year and a half. But we find out that for those in the individual market, premiums will go up 10 to 13 percent. For those in the larger employer market, it will go up 5 to 6 percent. It will not bend the cost curve down. It will either be ineffective at all and keep premiums basically where they would have been anyway or it will make it worse.

Then there is the gamesmanship in how it deals with the budget deficit. Here is what CBO said about the bill's impact on the budget deficit:

Washington budget gimmicks allow the White House to pretend the bills reduce the deficit by \$132 billion, which is a fraction of Washington's \$1.3 trillion budget deficit.

Americans don't believe “reducing the deficit” is possible at the same time we are spending \$2.5 trillion over the next 10 years, and they are right. It is easy to pretend we are reducing the deficit when we are raising taxes by \$500 billion and taking another \$500 billion from Medicare in order to pay for this program.

The Obama administration's own actuaries have worried that future Congresses would not let the \$500 billion in Medicare cuts happen. In other words, the bills spend now but would not pay later.

I assume the majority leader will bring up the doc fix sometime soon because he needs to. The 23-percent cut in reimbursement rates for doctors who don't take Medicare patients is not taken care of in this bill, and it should be. If this is really about health care reform, shouldn't it be making sure that our seniors on Medicare have access to doctors and that they can actually find a doctor who will see them? If you cut 23 percent in the doctor reimbursement rates, which is where we are headed now, they are not going to have access to doctors.

Here is what the Obama administration's own experts say about the cost curve. The Senate bill, they say, will increase overall American health care expenditures by \$222 billion.

It will not bend the cost curve down. It will actually bend it up, making things worse, not better.

The American people have been pretty smart about this. They have been more engaged, better informed on this subject than I have seen in a long time. Of course, health care reform is a very complicated area. But they have gotten very well informed about it. They want lasting reform that will lower costs.

Here is what we know works to lower costs, but this is not something that is in the President's bill and, apparently, not something the majority party is even willing to consider. If they did, I submit this would be a big step forward to bending the cost curve down, making health care more affordable, and

yield a bipartisan product the American people could support.

I believe we need to give control over health care dollars to patients, not to Washington bureaucrats or to insurance company bureaucrats either. The American Academy of Actuaries found that consumer-driven health care plans have saved as much as 12 to 20 percent in health care premiums—12 to 20 percent. That is a lot.

Then, of course, there is a practice of defensive medicine, ending lawsuit abuse which would save \$54 billion over the next 10 years, according to the CBO.

We also support allowing small businesses to pool together such as big companies do to pool their risks to help bring down premium costs. According to the Congressional Budget Office, this would lower premiums for small businesses by 2 to 3 percent—that is not a huge amount, but I am sure they will tell you every little bit helps—and in conjunction with these other reforms would have a real, meaningful impact in terms of bringing down health care costs.

I also support and our side of the aisle supports allowing Americans to purchase health insurance from any State they want to, and that would create national competition. It would allow people to buy policies they can afford that suited their family's needs rather than those loaded with State government mandates with no choices, which would result in higher costs.

If Congress would allow Americans to purchase their health insurance in any State they choose and thereby increasing competition, the Congressional Budget Office says the cost of their health care premiums would go down by 5 percent.

Clearly, competition, transparency, keeping the power in the hands of the consumer not in government are some of the things that would lower the costs, not cause them to go up. Are these part of the bipartisan health summit at the White House? Unfortunately, apparently not.

I would also support—and I think there would be a lot of support on a bipartisan basis—giving Medicaid patients, the ones who cannot find doctors because of low reimbursement rates, premium assistance; that is, to supplement what they can pay so they can buy private sector coverage which pays doctors at more of a level they would accept in terms of seeing those Medicaid patients. Providing Medicaid premium assistance rather than forcing people onto a Medicaid Program that is dysfunctional and does not work would be an improvement, and you could do it cheaper. According to CBO, this would reduce Federal spending by \$12 billion over 10 years.

My conclusion from all this is, the American people want us to start over. We need lasting health care reform. I have offered some concrete suggestions on how we could lower the costs and make it more affordable. I believe that

if Republicans and Democrats can work together, we can achieve it. On something as big and important and as costly as this, we need to do it on a bipartisan basis. It needs to be transparent. It needs to be devoid of special interest deals and secret negotiations and done out in the open where people can see it and trust it for what it is.

We have to reject purported solutions that will do nothing but increase spending, increase taxes, and increase premiums. We need to start over and implement common sense steps that will lower costs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. I thank the Chair.

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 3039 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. UDALL of New Mexico. Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam 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.

ORDER FOR RECESS

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the Senate stand in recess from 12:30 to 2 p.m. today.

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

Mr. UDALL of New Mexico. Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, this afternoon it is my understanding we are going to have one more vote. It is going to be on the Travel Promotion Act. I have opposed this in the past. I have already voted against it three times. I am not going to hang here and waste the whole day just to vote against it a fourth time.

I ask unanimous consent that I make a very brief statement and it be printed in the RECORD immediately following the vote that takes place this afternoon.

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

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

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

The bill clerk proceeded to call the roll.

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

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

AMERICAN HIKERS HELD IN IRAN

Mr. CASEY. Madam President, I rise today to discuss the ongoing imprisonment of three young Americans—Joshua Fattal from Pennsylvania and two other Americans who have been in prison in Iran with him, Sarah Shourd and Shane Bauer. These are three Americans who have now spent more than 7 months in solitary confinement in Iran's Evin Prison for allegedly crossing a poorly marked border, the border between Iran and Iraq.

Since their detention along the Iran-Iraq border on July 31, 2009, the Iranian Government has refused requests from their attorney for visits. The Government of Iran has delayed due process and rejected requests from family members to call or visit them. The Iranian regime has also delayed requests for Iranian visas for the families and stonewalled the Swiss Embassy's attempt to carry out diplomatic visits.

The longer the detainment of these young Americans continues, the more clear it becomes to the international community that the Iranian Government, the Iranian regime, is engaged in political games rather than seeking to grant them a fair and timely judicial process. On this basis, I request that Supreme Leader Khamenei, President Ahmadinejad, Judiciary Chief Larijani, and other Iranian officials make the humane and just decision to release Josh, Sarah, and Shane immediately.

Keeping these three innocent Americans in prison without due process violates the international human rights standards as well as Iran's own laws. It has been more than 2 months since Foreign Minister Motaki claimed they would be tried in court. Yet no trial date has been set. According to Iranian law, no detainee can be held temporarily for more than 4 months; thus, judiciary officials must either schedule a court hearing or set the three young Americans free. The only conclusion the international community can draw from the Iranian Government's words and actions is that they intend to keep these three young Americans in limbo for domestic or foreign policy aims. It has nothing to do with the actions or intentions of these three American tourists who were simply admiring the natural beauty of the Kurdish mountains near the Iran-Iraq border. The world is a much worse off place when idealism, especially held by innocent young people, is squashed by cynical politics.

Among ancient Persia's greatest legacies is a transparent and efficient justice system. Innocent people do not appear on the court docket. We ask the Iranian Government—we ask them to send the world the unambiguous message that transparent, timely, and fair judicial processes remain a cornerstone of Iranian civilization. Keeping Josh, Sarah, and Shane indefinitely in solitary confinement and without access to legal counsel or their families is unjust and is sure to color the visions of Iranian society for young people the world over.

Do not make Josh, Sarah, Shane, and their desperately concerned parents wait another day before being reunited. Supreme Leader Khamenei, release these young hikers now.

UNEMPLOYMENT

Madam President, in addition to those remarks about those young Americans, I want to talk for a few minutes about unemployment and what is happening, certainly across the country but in particular in the Commonwealth of Pennsylvania. We have 560,000 people out of work right now in Pennsylvania. Our rate is lower than a lot of places, but we still have that many people out of work, a very high number—maybe not historic but close to a historically high number, 560,000 Pennsylvanians.

There are lots of ways to try to understand what people are going through and try to get a sense of what people are living through. I had a chance a couple of weeks ago to sit with 8 of those 560,000 people in what is called a career link, a job center in Pennsylvania where people are filling out scores of applications, applying for jobs. In the case of these eight individuals, they are all over the age of 50 and many are over the age of 60 and 70—some of the worst situations for those who are in that age bracket, who worked for years, 20, 30 years at one job and did it very well, and now, through no fault of their own, are out of work.

Listening to their stories gave me a better insight into what people are up against every day. A number of comments were significant and relevant and poignant, but one in particular by a woman by the name of Debi who said something very simple but telling about what is in her heart and what she is living through—she said simply: We just want to get back to work. That is a very simple statement, but I think that is on the minds of a lot of Americans who are out of work, and their family members. They just want to get back to work.

They also want to see that Washington is not just legislating—that is obviously important, and I will talk a little bit more about that in a moment—but that we are trying to understand what they are up against. They do want to get back to work. It is that simple. One of the ways we can do that is by making sure those who are out of work, those something like 15 million Americans out of work through no

fault of their own, that we do something to help them in the next couple of days to get through the next couple of weeks, literally, with unemployment insurance, COBRA health insurance, and so many other ways.

We should note that the eligibility for emergency unemployment compensation and for COBRA—known as COBRA premium assistance, really health insurance for the unemployed—that both of those will expire this Sunday, February 28. If an extension of the unemployment programs authorized by the Recovery Act is not passed, 1.2 million workers will lose their unemployment benefits by the end of March. So we have to act now to prevent that from happening. It is unfortunate that it seems there is only an agreement to keep extending it from December to February, then from February into March or the end of March. We should extend it a lot further than that. Maybe we will have an opportunity to do that. But, at a minimum, we have to make sure unemployment insurance is extended and COBRA health insurance is extended. There are other reasons to do that as well. The most important reason is the people who will be positively impacted by those actions.

An extension of the federally funded unemployment compensation and COBRA programs through December 31, 2010—what we should do is extend it that far. They are necessary for a number of reasons. State labor departments will not be under pressure to constantly update their systems and inform constituents of changes in national law. We should give them the kind of certainty and predictability that they have a right to expect, certainly the State government officials but more importantly, the families and affected persons who are recently laid off—not constantly be reminded that their unemployment benefits may run out sooner than expected. This is especially true at a time when there are six applicants for every one job.

It is important to take action on unemployment insurance and COBRA health insurance coverage for a third reason as well.

At a time when millions of people don't have health care coverage, failure to provide an adequate safety net to ensure people have affordable health insurance coverage will only add to the rolls of the uninsured in the midst of this debate on health care.

Two other points before I conclude. According to the CBO, which we keep quoting in the health care debate and in many others, for every \$1 spent on unemployment insurance benefits, up to \$1.90 is contributed to the gross national product. This is further evidence, in addition to what I and many others have quoted—Mark Sandy from moodys.com—you spend a buck on unemployment insurance or COBRA benefits and/or food stamps, all of those safety net provisions to help workers who lost their job, you not only help someone who needs help and should

have the help we can provide, you also help our economy literally by jump starting spending.

We know that in the past couple of days we passed the jobs bill, the HIRE Act, a good piece of legislation for small business, for economic vitality but also for preserving and creating lots of jobs. That jobs bill is not enough. We have to pass these safety net provisions on unemployment and COBRA health benefits. We also have to put more job creation strategies on the table and get bills passed to create more jobs. The recovery bill is still having an effect, still having a tremendous impact in Pennsylvania, with still a whole year left of spending and benefits of that spending in Pennsylvania and other States.

I see Senator SPECTER is with us. He and I have seen that up close in Pennsylvania, a tremendous impact already, but there is still more to do on the recovery bill he voted for under great pressure not to vote for it. Thank goodness he did. Without his vote, that bill would not have passed. Millions of Americans' lives would be adversely impacted if we did not pass the Recovery and Reinvestment Act of 2009. We have a long way to go, more work to do across the country and to have a positive impact on Pennsylvania.

One concluding thought. When you look at Pennsylvania, we might have a lower rate than a lot of States but we do have 560,000 people out of work. Unfortunately, more and more we are seeing in different labor markets, such as the Erie labor market, which is at 10 percent, the Lehigh Valley, Allentown, Bethlehem, and Easton at 9.8 percent, northeastern Pennsylvania, my home area, at 9.7 percent—even though our rate has not yet hit statewide 9 percent, we are seeing in different pockets that number going up. We have to continue to put job creation strategies in the pipeline, continue to have the recovery act have an even more positive impact. And thirdly, we need to make sure we pass the safety net provisions.

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

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

Mr. SPECTER. Madam President, I have sought recognition to talk briefly about two subjects: a recent CODEL where I participated and, secondly, on the passing of a beloved staff member. I ask unanimous consent that the time for business be extended until 12:45.

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

FOREIGN TRAVEL

Mr. SPECTER. Madam President, from December 28 to January 7, I participated on a congressional delegation which visited in Cypress, Syria, India,

Afghanistan, and Morocco, and have submitted a lengthy report, which is my practice.

I ask unanimous consent that the full text of that report be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. SPECTER. For purposes of comment at this time, I will focus on what we found on our trip to Afghanistan and India as it relates to the current war in progress in Afghanistan which has, as a practical matter, been extended into Pakistan and a comment about our trip to Syria, our meetings with President Assad, as it bears upon the potential for a peace treaty between Israel and Syria.

Our visit to Afghanistan was very revealing to get a firsthand impression as to what is going on on the ground. I approached the trip with serious reservations about the President's proposal to add an additional 30,000 troops there. My concern arose in the context of why fight in Afghanistan when al-Qaida could organize as well in many other places, Yemen or Somalia. There had been such a lack of success in efforts in Afghanistan by the Soviets, by the Brits, going all the way back to Alexander the Great.

There is no doubt we have to do whatever it takes to defeat al-Qaida, because they are out to annihilate us. The question is, where? Where we face reports that there were only about 100 al-Qaida actually in Afghanistan, we are really looking at a battle with the Taliban.

In our meetings with General McChrystal and other key officials, they emphasized the point that we should not retreat and that it would be a watershed event if the United States did not provide whatever military force was necessary in Afghanistan.

Our delegation replied that the NATO support was lacking and we ought to rethink exactly how we are going to deal with the Taliban. The efforts to persuade the Taliban to come back and support the Karzai government—because there are many there who could be brought back if the inducements were sufficient and they were sufficiently confident—the Karzai government did not lend a whole lot to inspire confidence. They had an election which was clouded with fraud. They have sustained reports about dealing in the narcotics trade with high-ranking officials, repeated evidence of corruption at the highest levels—hardly inductive to a stable government.

When the President projected a withdrawal by mid-2011, that was not what President Karzai had suggested. He was quoted in the press as saying, U.S. troops would have to be in Afghanistan for 15 years. When our delegation had an opportunity to meet with President Karzai, we pressed him on that issue, and he said: Well, 2 years would be required for an adequate presence of the

U.S. military. He never could quite define what "adequate" was, but he said U.S. forces would have to stay for another 10 years.

More recently, in the intervening weeks, the war there has shaped up. We still have only committed a small fraction of the 30,000 troops—something like 5,000. Perhaps it will not be necessary to commit the additional 25,000 troops.

We had a very productive meeting with the Prime Minister of India, Prime Minister Singh. A point which we pressed was whether India and Pakistan could enter into an arms reduction pact similar to the pacts which the United States and the Soviet Union have had, which would reduce the number of troops from India and the number of troops from Pakistan on the border to liberate more Pakistan military to help in the fight against al-Qaida and the Taliban.

Prime Minister Singh said he would certainly be willing to consider that, but Pakistan would have to control the terrorists. We questioned him as to whether the Pakistani Government could control the terrorists, and his reply was very blunt: Yes, the terrorists are the creation of Pakistan, which is the way he responded to that situation.

In the intervening weeks, again, there has been unique cooperation between Pakistani intelligence and the CIA, with many joint maneuvers, so perhaps there could be a material improvement along that line.

The written text, which will be submitted, goes into some greater detail, which I shall abbreviate because of the shortness of time.

In Syria, our meeting with President Bashar al-Asad was cordial and I think constructive. I had first visited Syria in 1984, and this was the 19th visit there. I have gone there repeatedly, as I have to the region generally, and even more often to Israel, because I have long thought Syria was the key to the Mideast peace process.

Syria desperately wants to regain the Golan Heights, and only Israel can decide whether it is in Israel's interest to cede the Golan Heights. But it is a different world in 2010 than it was in 1967, when Israel took the Golan. The strategy is very different in an era of rockets. It is not quite the same situation.

There is a great deal Israel could gain if a peace treaty was entered into with Syria: stopping Syria from continuing the destabilization of Lebanon, which Syria denies but I think happens to be a fact. For Syria to stop supporting Hezbollah and Hamas would be very important to Israel's security. To try to drive a wedge between Syria and Iran would be helpful not only to Israel in the context of the Iranian President wanting to wipe Israel off the face of the Earth but would be good not only for the region but for the entire world, if we can find a way to contain Iran in their determination to acquire nuclear weapons.

Secretary of State Hillary Clinton testified yesterday before the Foreign Operations Subcommittee, and I asked her if she would consider a recommendation to have the President call the Israeli leaders, Prime Minister Netanyahu, and the Syrian President, Bashar al-Asad, to the Oval Office to be an intermediary there. The office of the Presidency could have great forcefulness and great weight. The Secretary was noncommittal, and the record will reflect the exact words which she used.

The trip was very worthwhile. I find that when we leave the Beltway and leave Washington and see what is actually happening in the field, wearing a flak jacket in a helicopter across Afghanistan or talking to Foreign Minister Walid Mualem, who was the Ambassador here for 10 years, and getting a feel for what is going on in India, it gives us a much better insight into how we handle our foreign aid, how we handle our budget, and how we handle our military operations.

EXHIBIT 1

STATEMENT OF SENATOR ARLEN SPECTER

FOREIGN TRAVEL

I seek recognition to speak about a Congressional Delegation I took part in from December 28, 2009 to January 7, 2010. The CODEL, led by Senator Gregg, comprised of Senators Bayh, Cornyn, Enzi, Klobuchar and their spouses. I was accompanied by my wife, Joan, and my Legislative Director, Christopher Bradish.

CYPRUS

We departed Andrews Air Force Base on Monday morning, December 28th, en route to Nicosia, Cyprus, with a refueling stop in Shannon, Ireland. We began the day with a meeting with our USAID mission to review projects being supported by the United States.

We then had a briefing with the United Nations Development Program (UNDP), which is focusing on reconciliation projects, to include media expansion. The UNDP office is located in the U.N. administered neutral zone, which divides the island. The UNDP continues to work with representatives in Cyprus on revision of textbooks and the diversification of media to allow viewpoints other than those of just the state-dominated media outlets to be heard.

The media is dominated by Turkish Cypriot and Greek Cypriot political outlets. Cyprus does not have equivalents of NPR or PBS. UNDP hopes to build on those models to allow diversification in the media by providing independent programming which can then be picked up by existing outlets for broadcast. The UNDP media program aims to provide all Cypriots with a non-partisan avenue of communication.

Following our meeting with USAID and UNDP officials, the delegation held a country team briefing led by Jonathan Cohen, our Deputy Chief of Mission. Our embassy in Cyprus has 65 U.S. employees in addition to roughly 100 Cypriot nationals. Cyprus has become increasingly important to the U.S. due to its strategic location. With an increasing number of U.S. ships transiting the Mediterranean Sea, U.S. port visits in Cyprus increased 24 percent in 2008. With thousands of U.S. troops having shore leave while in port, the U.S. Embassy has worked with the Cypriot government to ensure that appropriate safety measures are in place to protect our ships and sailors.

Since Cyprus' accession to the European Union in January 2004, the number of Cypriots attending U.S. universities has decreased dramatically. The U.S. mission has created a program to use Cypriots who are alumni of U.S. universities to go to high schools and communities to speak about the benefits of an education in the United States.

On the law enforcement front, the Cypriot government has utilized U.S. expertise in some of their criminal investigations, including the investigation into the recent theft of the remains of former president Tassos Papadopoulos.

We received an overview of U.S. investment in Cyprus as well as U.S. businesses operating on the island. U.S. exports to Cyprus grew by 28 percent in 2008. I asked about the University of Pittsburgh Medical Center's efforts to establish a university and medical center in Cyprus. UPMC is exporting its expertise to bring world-class health care, advanced technologies, and management skills to markets worldwide.

Our mission provided an update on the status of negotiations between the north and south. Talks between the Greek Cypriot President, Demetris Christofias and the Turkish Cypriot leader, Mehmet Ali Talat have ramped up in recent weeks with the two leaders reportedly meeting multiple times a week. However significant obstacles remain to reaching an agreement to include how to resolve vexing property, security and constituent state constitution issues.

In November 2002, U.N. Secretary-General Kofi Annan presented a draft comprehensive peace settlement, commonly referred to as the Annan Plan. According to the Congressional Research Service:

"[The Annan Plan] called for a 'new state of affairs,' in which the 'common state' government's relations with its two politically equal component states would be modeled on the Swiss federal example. It would have a single international legal personality. Component states would participate in foreign and EU relations as in Belgium. Parliament would have two 48-seat houses. Each state would have equal representation in the Senate. Seats in the Chamber of Deputies would be allocated in proportion to population, provided that no state would have less than 25% of the seats. A Presidential Council would have 6 members; the offices of President and Vice President would rotate every 10 months among its members. No more than two consecutive presidents could come from the same state. Greek and Turkish troops could not exceed a four-digit figure (9,999). U.N. peacekeepers would remain as long as the common state, with the concurrence of the component states, decides. Cyprus would be demilitarized. During a three-year transition, the leaders of the two sides would be co-presidents. The 1960 Treaties of Establishment, Guarantee, and Alliance would remain in force. There would be a single Cypriot citizenship and citizenship of a component state; residence in a component state could be limited by citizenship, but such limits would have restrictions. Provisions would be made for return or compensation of property. Turkish Cypriot territory would be reduced to 28.5% of the island.

The Delegation departed the country team briefing for a meeting with Turkish Cypriot leader Mehmet Ali Talat. Talat provided an overview of the negotiations with President Christofias and focused on three main areas of dispute: governance and power sharing; economic and European affairs; and property reconciliation. While he expressed hope about having fruitful and productive discussions, he indicated that the two sides have disagreements over terminology which pre-

clude them from moving forward on a solution. I asked if there were disadvantages to not achieving a solution and if the status-quo is acceptable. Talat responded that neither side seeks violence, but that the current situation is disadvantageous to both sides.

Talat expressed optimism that a resolution could be reached in 2010 but that the talks would likely break in mid-February to allow for elections, the outcome of which could have a significant impact on the continuation of talks between the two sides. Talat indicated that the Greek Cypriots have less of an incentive to find a solution given their dominance of the island. He also confirmed the UNDP representatives' previous assertions that the local media helps inflame opinions on both sides.

The delegation then departed the north en route to a meeting with President Christofias. The President opened the meeting with a 37-minute overview of the situation and the negotiations. He expressed concern over the more than 40,000 Turkish troops on the island, as well as the unknown number of Turkish settlers. He too focused on security and land/property compensation as main obstacles to achieving an agreement. Christofias avowed that he is "free of nationalism" and that "Turkish Cypriots are not our enemies, but our brothers and sisters." He concluded that Cypriots must rule the country—not Turkey. He stated that he "will be the unhappiest man on the island" if he and Talat cannot reach an agreement, but stated: "I will do my utmost because as time passes, new problems arise." He indicated he had a good partner and relationship with Talat and if he should lose in the upcoming elections, the prospects for constructive dialogue and resolution were poor.

SYRIA

On December 30th, the delegation departed Larnaca, Cyprus for Damascus, Syria. This was my nineteenth visit to Syria. We were greeted by Jason Smith, our control officer, and Charles Hunter, our Charge d'Affaires, who provided an update of the situation on the ground during the ride to the embassy. Upon arrival, the delegation received two classified briefings to include a country team briefing. Following our briefings, the delegation departed for the Presidential Palace for a meeting with President Bashar al-Asad and Foreign Minister Walid al-Muallem.

President Asad opened the meeting by welcoming the delegation and provided his views on the bilateral relationship as well as regional tensions. I have long held the view that the U.S. could play a positive role in fostering an agreement between Israel and Syria. I indicated that if Hezbollah and Hamas could be disarmed and renounce violence the region would be better off. I expressed the view held by many in the U.S. that the Syria-Iran nexus is troubling and Iran's desire to obtain nuclear weapons poses a danger to the region and the world. I complimented President Asad for his willingness to engage the Israelis via the Turks. I asked President Asad for his view on the prospects for an Israeli-Syrian peace, better relations with the West and his country's relationship with Iran. He indicated that the "devil is in the details." He explicitly decoupled the issues, stating that his country's calculus for each is independent of the others. He indicated the U.S. should support the Turkish role in the peace process—which has been put on hold following the conflict in Gaza in 2008 and Israel's parliamentary elections in 2009.

Asad stated, "only peace can protect Israel"—something no amount of armaments can do. He further stated that Hamas and Hezbollah exist as result of the lack of peace.

On the U.S. role in the peace process, Asad pointed to efforts undertaken in the 1990s, when Secretary of State James Baker engaged forcefully with the interested parties.

It is clear to me that Syria desires robust U.S. engagement in the peace process. Syria's tepid alliance with Iran appears not to be bound by mutual affection, but rather by Syria's desire to be on good terms with a regional force. Syria clearly wants the U.S. to withdraw from Iraq, but not before Iraqi domestic institutions have time to mature to prevent Iran from sweeping in to a political vacuum.

We discussed the issue of intelligence cooperation. The good cooperation Syria and the U.S. had following September 11, 2001 has since dissipated. The delegation pressed Asad for more cooperation. Asad confirmed that cooperation had been good, but said that security and intelligence cooperation cannot flourish in the absence of strong political and diplomatic relations.

The delegation pressed Asad on the Iranian nuclear threat and the potential for Syria to be dragged into a regional conflict. Assad indicated that the Iranian issue needs to be resolved and that conflict must be prevented, but that he does not believe Iran is seeking a nuclear military capability.

Senator Klobuchar and I raised the issue of the three American citizens—Joshua Fattal, Shane Bauer, and Sarah Shourd—who have been detained in Iran since July 31, 2009, when they mistakenly crossed into Iran on a hiking expedition.

The United Kingdom had asked Syria to intercede with Iran in the case of five British citizens who were in Iranian custody under somewhat similar circumstances. The five citizens were released.

Since the start of their detention, I had worked with other members of the Senate to facilitate their release. On August 18, I joined Senators Casey, Feinstein, Boxer, Klobuchar, Franken and Murray in writing to the Iranian Ambassador to the U.N. Mohammad Khazaee to request that Iran grant the Swiss consular access to the Americans per Iran's obligations under the Vienna Convention. This letter was followed by a similar one to Ayatollah Khamenei on September 23, 2009.

On September 22, I introduced a resolution cosponsored by Senators Casey, Feinstein, Boxer, Klobuchar, Franken, and Nelson (FL) encouraging the Government of Iran to grant consular access for the Swiss and to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible. The legislation passed the Senate on October 6, and passed the House on October 29, sponsored by Reps. Schwartz and Hinchey.

On October 8, I sent a personal note to Ambassador Khazaee requesting his assistance in releasing the hikers.

On December 17, 2009 I sent a letter to Secretary Clinton requesting she ask the Syrians to engage Tehran to secure the release of the three Americans. The State Department contacted the Syrian foreign ministry to seek its assistance in a manner similar to the assistance the Syrians provided to the recent efforts to secure the release of the five British yachtsmen detained by Iran in late November after they strayed into Iranian waters. The five Brits were released within a week.

President Asad said they would look into the matter including the charges to see if Syria could be of help in securing their release. President Asad told me he would review the matter and that the Syrians "will try our best."

Later that evening Senator Klobuchar and I had a working dinner with Foreign Minister Walid al-Muallem. I have known Foreign Minister Muallem for two decades dating back to his time as Ambassador to the

United States. We discussed in depth the issues raised earlier with the President. We again pressed the Foreign Minister on the issue of the U.S. hikers detained in Iran. Foreign Minister Muallem indicated he would be willing to go to Tehran to engage his counterpart regarding the plight of the hikers if he sees "some light at the end of the tunnel."

INDIA

We departed Damascus the following morning for Delhi, India and where we were met by Deputy Chief of Mission Steven White. The issues we discussed were wide-ranging and included: nuclear cooperation between the United States and India; the November 2008 terrorist attacks in India and India's efforts to combat terrorism; India's tenuous relations with Pakistan and China; its economic and diplomatic presence in Afghanistan; and the position it has taken in global climate change negotiations, in which it has opposed binding emissions reductions as limits on its future economic growth. As the world's second most populous country, it is clear that India will play an increasing role in global politics this century.

The delegation participated in a country team briefing at our mission. We had the opportunity to discuss a wide variety of issues in our bilateral relationship with the DCM, political section, defense attaché, USAID and consular affairs officers.

Much of our discussions during our visit focused on India's growth and the growing pains associated with such growth, to include education. While 92 percent of the country's children go to primary school, half drop out by 6th grade. Many of India's 1.2 billion citizens live in rural regions and getting teachers to those posts is difficult. The country has engaged in an affirmative action for children of lower castes to attend university, but these reserved spots are extraordinarily competitive. Yet, the government of India is committed to inclusive growth and bringing the lower class up to participate in India's prosperity.

A central theme in our discussions with our mission personnel as well as Indian officials was the civil nuclear accord signed by the U.S. and India. On October 1, 2008, Congress approved an agreement facilitating nuclear cooperation between the United States and India. As chronicled by the Council on Foreign Relations, the deal, first introduced in a joint statement issued by President Bush and Indian Prime Minister Manmohan Singh on July 18, 2005, "lifts a three-decade U.S. moratorium on nuclear trade with India. It provides U.S. assistance to India's civilian nuclear energy program, and expands U.S.-India cooperation in energy and satellite technology" (CFR—11/20/09). During our meetings, this agreement was described as a "watershed" event in our bilateral relationship—an event that opened new doors, new cooperation and new possibilities for two countries that have spent the majority of their histories circling each other but not directly engaging in a meaningful manner.

According to our officials, India is taking steps to be a responsible world power on non-proliferation matters. India has supported international efforts, along with the United States, to address Iran's troubling military nuclear ambitions—most recently by supporting an IAEA censure of Iran's nuclear program during a November 27, 2009 meeting of the IAEA's Board of Governors. This has led to a cooling between the two countries, yet India and Iran still have deep economic connections, as Iran is India's second largest energy supplier.

On the economic front, India's economy was more sheltered than others and weathered the global economic crisis better than

many. Their economy grew 6.8 percent in 2009 and is expected to grow 7.5 percent in 2010. India has increasingly sought and purchased U.S. weaponry. The deepening of the bilateral arms sales are a critical component of our relationship.

On the terrorism front, I pressed the team on the prospect of reconciliation between India and Pakistan in the hopes that a reduction in tensions would allow Pakistan to focus its forces on elements such as Al-Qaeda.

India is no stranger to terrorism, most recently seen in the horrific attacks in Mumbai on November 26, 2008, which killed at least 173 people, including 6 Americans. Our mission and its law enforcement components have provided assistance to the Indians in the investigation of the attacks.

Following the country team briefing, the delegation took a classified regional security briefing before departing for the Prime Minister's office.

I have long been concerned about Indian-Pakistani relations. I brought up the issue of an Indian-Pakistani rapprochement during a visit to India in 1995. In August 1995, Senator Hank Brown and I were told by Prime Minister Rao in a visit to New Delhi that India was interested in negotiating with Pakistan to make their subcontinent free of nuclear weapons. Prime Minister Rao asked Senator Brown and me to raise this issue with Pakistan's Prime Minister Benazir Bhutto which we did. I then wrote to President Clinton urging him to broker such negotiations. Those discussions are summarized in a letter which I sent to President Clinton:

AUGUST 28, 1995.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistani Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

After returning to the United States, I discussed such a presidential initiative with President Clinton, but my suggestion was not pursued.

The delegation had a warm welcome from Prime Minister Singh. The Prime Minister began the meeting by thanking the delegation for Congress' strong bipartisan support in implementing the U.S.-India bilateral nuclear accord. He further declared that this

event has made him believe the "sky is the limit" in terms of broadening and deepening the U.S.-India bilateral relationship, from energy to defense to education.

Prime Minister Singh confirmed that his economy continues to grow, and was insulated from the global fiscal difficulties largely because of India's savings rate and that domestic consumption filled much of the void left by lagging exports. He told the group that India's prosperity will have positive effects on the rest of the developing world. He expressed his strong desire to deepen the defense cooperation between our countries.

The group asked the Prime Minister for his views on Afghanistan. He informed the group that India has invested \$1.2 billion in reconstruction and development in Afghanistan. While he admitted the existence of corruption within the Karzai government, he indicated that President Karzai is the best option for stability, and that all will benefit from strong international support for Karzai. He stated that deadlines and withdrawal will only play into the hands of the terrorists, as they will signal looming weakness of the government in Kabul.

I pressed the Prime Minister on the prospects for relieving tensions between his country and Pakistan and the possibility of having an accord on troops and nuclear weapons. If Pakistan will take action against the terrorist elements in its country, India would be willing to discuss many things, Singh stated. Prime Minister Singh told the group of the strong internal pressure he felt after the Mumbai attacks to take some action against Pakistan, but that he refrained. He further told the group that Pakistanis and Indians are the same—highlighting that he was born in what today is Pakistan and that former Pakistani President Pervez Musharraf was born in what is present day India. He told the group that Pakistan does not need to fear India and that he is committed to engaging in a positive manner with Pakistan. He suggested that serious reform in Pakistan's education system is needed and that madrassas are a significant problem.

I asked Prime Minister Singh whether India would consider a treaty with Pakistan to reduce military forces stationed by each nation on the border. I told him of my 1995 conversations with Prime Minister Rao and Prime Minister Bhutto and my letter to President Clinton. I noted that it would be a great help in the war against al-Qaeda if Pakistan could re-deploy significant soldiers from the border to fight al-Qaeda.

I analogized an Indian-Pakistan treaty to the U.S.-Soviet arms reduction treaties. If India and Pakistan could agree on disclosure and reduced forces, that would liberate Pakistani troops. Prime Minister Singh said India would be willing to consider such a treaty, but pointed out that Pakistan would have to control Pakistan terrorists such as the ones who attacked the hotel in Mumbai. He said he had been under considerable pressure to respond forcefully, but had not done so. Many feared that the Mumbai hotel attack and a forceful India response could have set off a nuclear exchange.

I asked Prime Minister Singh pointedly if the Pakistan government could control the terrorists and he responded "yes." He added the terrorists were the "creation" of the Pakistan government.

Regarding Iran, Prime Minister Singh told the group India was not in favor of another nuclear power in the region and doesn't want Iran to have that capability. Prime Minister Singh highlighted his country's support at the United Nations to address Iran's nuclear ambitions. He indicated that Iran is a signatory to the NPT, and as such is entitled to

enrich uranium for peaceful purposes, but that they must comply with international accords to reassure the international community of their peaceful intentions.

Following our meeting with the Prime Minister, I returned to the embassy for a meeting with Robert Hladun, the Deputy Country Attache for the DEA and Gib Wilson, the Assistant Legal Attache for the FBI. I received an overview of the regional drug trade and how it impacts the U.S., and our cooperation and assistance to India with their investigations and counterterrorism efforts.

The Deputy Chief of Mission hosted a working lunch with our counterparts from the Indian National Congress including: Pallam Raju, Minister of State for Defense, Jitin Prasada, Minister of State for Petroleum and Natural Gas, Abhishek Manu Singhvi, Manish Tewari, Prakash Javadekar, Raashid Alvi, Madhu Goud Yashki and Deepender Singh Hooda. Our discussions centered on the same topics we had discussed with Prime Minister Singh and the country team, but also provided us an opportunity to discuss how, as parliamentarians, we deal with local and national issues of importance to our constituents. Following lunch, we departed Delhi for Morocco, with a refueling stop in Qatar.

AFGHANISTAN

On January 3, 2010, the delegation flew from New Delhi to Kabul, Afghanistan and returned to New Delhi late on the same day. Upon arrival at the U.S. Embassy, we were greeted by General Stanley McChrystal and Ambassadors Anthony Wayne and Francis Ricciardone.

General McChrystal outlined a strategy aimed at influencing the Karzai government to institute reforms to win the support of the Afghan people so that many of the insurgents would support the Karzai government and reject the efforts of the Taliban to win control. He acknowledged some of the insurgents who supported the Taliban leadership would stay with the Taliban, so that the Taliban and their supporters would have to be defeated militarily.

I asked General McChrystal why fight in Afghanistan when others—the Soviets, the British, Alexander the Great had failed—and al-Qaeda could organize strikes against the U.S. and others from Yemen, Somalia and elsewhere and the U.S. was engaging only a small number of al-Qaeda (estimated by some as few as 100) and really only fighting the Taliban. General McChrystal responded that U.S. withdrawal from Afghanistan would have disastrous consequences in the region and beyond and that al-Qaeda would continue to have their best sanctuary in the caves and mountains on the border regions between Afghanistan and Pakistan.

I asked him about the reality of significant withdrawal by mid-2011, pointing out that the commitment to start the withdrawal could be met by a small withdrawal which would not be significant. He did not respond on a date for final withdrawal, but said the mid-2011 start of withdrawal was a realistic exit strategy.

When I pointed out that President Karzai had publicly stated U.S. troops would be needed for 15 years, General McChrystal did not modify his previously stated estimates.

When our Codel later met with President Karzai asked when he thought Afghanistan would be able to maintain the peace and function on its own without any U.S. troops. He said that if the resources were “adequate,” that U.S. troops could start withdrawal in two years with full withdrawal after 10 years. There was insufficient time to clarify with President Karzai what resources would be “adequate” or what the timetable

would be as to estimates of how many troops could be withdrawn each year.

We received a brief on the status of the Afghan Army and were informed that it is well respected by much of the population and is seen by many as an entity that holds the promise of binding the nation. The police force is in poorer shape: corruption and involvement in the drug trade, combined with a chronic lack of leadership, hamper its improvement. Only 25 percent of the police force has formal training.

The delegation then proceeded to a country team briefing. Our mission in Afghanistan has four ambassadors—a rare occurrence, but one that is necessary given the complexity of the issues and the size of the mission.

We discussed the significant monetary investment being made in Afghanistan, with \$250 million alone spent on the civilian side each month, and once the additional 30,000 troops arrive the cost will rise to between \$9 and \$10 billion per month for the entire U.S. effort. When asked to discuss the national security significance to U.S., Major General MacDonald stated that Afghanistan is the extremists’ base, threat exists and they have resources in Afghanistan. I pressed the team to rationalize the disparity between President Obama saying we begin withdrawing in 2011 and President Karzai saying that it will take 15 years for his security forces to be ready to stand on their own. I pressed them on how quickly we can train security forces so the U.S. could turn over responsibility and again shared the concern by many over U.S. debt, deficit and obligations at home.

Lieutenant General Caldwell outlined the efforts to develop the police and ministries of defense and interior. He highlighted the issue of lacking an effective Afghan civil service. He told us that an Afghan soldier makes \$165 a month whereas a judge makes only \$80. Clearly, civilian pay reform is needed.

I pressed the officials on getting the international community to carry its weight. They replied that the U.S. requested 2,500 troops on December 1, 2009 and NATO pledged 460, and U.S. officials are now going around Kabul asking each country’s ambassador for additional troops. I again pressed them on when we can finally leave. They stated that governance, economy and security need to all be working in tandem and that 300,000 Afghan security forces will be ready by July 2011.

MOROCCO

The delegation arrived in Rabat, Morocco at 1 AM on January 5th where we were met by Ambassador Samuel Kaplan. Our Codel was very impressed with him. There is considerable debate about “political appointees,” but Ambassador Kaplan brought unique skills to this position from a distinguished career in the law, considerable business experience, and extensive activity in political and community affairs.

We met with Foreign Minister Fassi-Fihri and Director General Mohamed Mansouri. The Foreign Minister told the delegation he was pleased with the status of relations between our two countries and the deepening in the relationship on issues such as trade and defense and intelligence cooperation. The Foreign Minister explained Morocco’s unique position in the world, with one foot in the Mid-East and one in Africa. He described the difficulty his country has had in establishing a democratic system, permitting political parties while maintaining a democracy.

Much of our discussion focused on terrorism and prospects for peace in the region. Director General Mansouri stated that terrorists have manipulated Islam and that Mo-

rocco has pushed for a more moderate approach and that it is engaged in combating radicalism. I pressed the Foreign Minister on recent incidents of terrorism and what can be done to combat the ideology that inspires suicide bombers and their skewed religious/political views. He told me that many in the Muslim world are frustrated—especially the youth. They lack educational and economic opportunities and poverty has led many to extremist camps. Yet, we also discussed how many terrorists, including those that perpetrated 9/11 and most recently the Detroit airline bombing attempt were educated and came from middle class or wealthy families.

The officials told us that we must work to resolve the conflict between the Israelis and the Palestinians and that a lasting peace will help subdue tensions and allow governments and moderate Muslims to stand up and lead. In addition, they suggested a global interfaith dialogue must occur. They stated their desire to play a leadership role given Morocco’s history in hosting the three great religions.

The Foreign Minister highlighted Morocco’s efforts to engage the youth with opportunities and positive messages and that their brand of Islam is open, inclusive and tolerant and is a good model for the broader Muslim world.

We departed Rabat early on January 7th to return to Andrews Air Force Base by midday EST.

TRIBUTE TO MR. KENNY EVANS

Mr. SPECTER. Madam President, Kenny Evans recently passed after being with me for some 30 years. I had known Mr. Evans in Philadelphia for a long time, but when I ran for the Senate in 1980, I asked him to be my campaign deputy in the African-American community. When I was elected, I brought him in as my key operative in the African-American community because of the urgency of having active minority representation.

He came to be known and loved and admired as a leading public official in the city. He served longer than most anybody else who had been in public office. He took on a great role in housing and in job training and in education, on civil rights issues and on immigration.

When we had a proposal advanced by Congressman CHAKA FATTAH called GEAR UP almost a decade ago, with a \$300 million price tag, I consulted with Kenny Evans, listened to his advice and recommendations and helped provide \$300 million a year, which has now come to be in the \$2.5 billion range, not only servicing Philadelphia but the entire country.

When we had a controversy last summer about African-American children being excluded from a swim club which said they were not welcome there, Kenny Evans took the lead in consultation and advice on how to handle it with the Civil Rights Division, and action has been taken to correct a wrong there.

He was an unusual public servant and an extraordinary man.

Madam President, I ask unanimous consent that a statement which was prepared by Michael Oscar, my executive director for southeastern Pennsylvania, which Mike Oscar gave at Kenny’s funeral, be printed in the CONGRESSIONAL RECORD.

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

Today, we do not grieve for Kenny Evans, for now he is free to follow the path God has laid out for him. Kenny took God's hand when he heard Him call.

Good Morning and on behalf of Charolette and the entire Evans Family, I offer the following remarks highlighting our friend, Kenny Evans.

My name is Michael Oscar and I serve as Sen. Specter's Executive Director in Southeastern Pennsylvania. For nearly a decade, I had the distinct pleasure of working with Kenny in many different legislative and political capacities. It is with this background and distinction that I speak to you today.

May it be said of Kenny, the words of Alfred, Lord Tennyson:

"I am a part of all that I have met
To much is taken, much abides
That which we are, we are . . .
One equal temper of heroic hearts
Strong in will
To strive, to seek, to find, and not to yield."

Kenny personified these words because his cause was ours,—you and me—the cause of the common man and the common woman. His commitment was to those who Andrew Jackson called "the humble members of society: the farmers, mechanics, laborers, and the forgotten."

On this foundation for the past three decades with Sen. Specter and beyond, Kenny defined our values, refined our policies, and refreshed our faith. He did this by operating behind the scenes with much grace, class, and dignity.

There was never a problem no matter how big or small, he did not try to solve, a request he did not try to respond to, or a person he did not try to help. This was his marquee value.

Kenny's work ethic and style mentored future generations of congressional staffers, political candidates, and current legislators in the art and science of politics. As Al Jackson, his friend and luncheon companion for nearly 27 years, stated on numerous occasions, "he is the maestro of politics"—instinctively knowing how to deal with people and their everyday concerns.

In my opinion, he earned this astute characterization because he worked from the ground up, which provided him the proper rubric on how to communicate with people.

As his Executive Director for the past five years, I witnessed firsthand his innate ability to soften even the harshest of personalities. There was not a day that went by that Susan Segal would say, "Kenny would be the perfect choice to handle this constituent."

"And handle this constituent he did" because his commitment went well beyond the federal scope. Whatever it took, a phone call, a letter, a closed door meeting. He was a tireless advocate always on a mission.

When I first joined Senator Specter's staff in Washington, D.C. before coming to Philadelphia, my COS at the time, Carey Lackman told me "you had an impressive list of references, but none greater than Kenny Evans." Candidly, I didn't know what Carey was talking about. I had no idea who Kenny Evans was and he was not listed as one of my references.

I later learned that Kenny worked closely with one of my former employer's, Michael Kunz, the Clerk of Court for the District Court. When Mr. Kunz heard that I applied for the position he called Kenny to advocate on my behalf. Apparently, Kenny immediately called Carey and stated, "this guy worked for the clerk, do you know how many calls a day I get from constituents to get out of jury duty? You need to hire this guy."

However, my first and lasting impression of Kenny occurred about a year later. Many of you may not be aware of this, but Kenny, along with Al Jackson, established the first urban aquaculture center in the nation.

Many of you like me are probably scratching your heads right now wondering what is aquaculture. Well, it's any crop that is cultured in water—whether it be shrimp, fish, or seaweed.

Kenny learned about aquaculture from his numerous luncheon conversations with Al Jackson and over the course of a year, they drafted this unique partnership between the University of Pennsylvania and Cheyney University. They wanted to provide African American students the opportunity to learn this unusual science.

Proudly I report to you today, the center has been successfully funded for the past seven years by the U.S. Department of Agriculture and has graduated nearly 188 African American students in the field of urban aquaculture. This was just one accomplishment of many that Kenny succeeded in on behalf of Sen. Specter.

Beyond Kenny's political acumen, he mentored all of us on how to keep things simple, light. When I was drafted by the Senator to run his Philadelphia Office, I heard one of my predecessors define it as "Kennyism." Those Kennyisms have sustained me and our team in Philadelphia for many years and they will never be forgotten.

One specific anecdote that defines what we collectively call a "Kennyism" was when I was on a leave of absence from the Senator's office to run Rep. Mike Fitzpatrick's campaign. Despite my absence from the office, my three-year-old son, Liam, at the time was enrolled in the daycare center located in the Green Federal Building.

So for three days a week, I drove down to the city to drop him off. Before heading up to the campaign office in Doylestown, I would stop by the second floor cafeteria to grab a cup of coffee and I was always greeted by Kenny's chuckle.

He would tell me "Sit down, Mike, tell me about the campaign and more importantly, how is your family?" He would listen, he would laugh, and he taught me to keep it light. He would end every conversation with "It will be ok."

Speaking of campaigns, when I had the pleasure of accompanying the Senator during his visit with Kenny just a few weeks ago in the hospital, Kenny despite his medical maladies went right to work assessing for the Senator how the African American Community along with many others will come out for him in his re-election. Yes, many a "kennyism" was shared that day.

A few short weeks later, I went back to visit with Kenny, along with Al Jackson, and Elvis Solivan, another stalwart of the Specter Team. While there I had this memorable conversation with Kenny's grandson, Lamont. He told me how his grandfather would bring the Senator's Lincoln Town Car home and when he did he would offer his grandchildren a ride in it, and if they accepted the offer then they would wash it later.

When I heard the story, I just laughed. "Senator, rest assured, no one yet from the Oscar family has ridden in the Lincoln let alone washed it except for their father."

Upon your arrival at today's services, you may have noticed that radiant photo of Kenny, Charolette, and President Obama. On that day, Tuesday, September 15, 2009, candidly, Kenny was noticeably not well, but we wanted to ensure he received his photo with the first African American President of the United States.

That said, I grasped Kenny's hand, along with Charolette's and together we raced down the long convention center hallway

with Andy Wallace at our side running interference. When we got to the photo line, we were immediately escorted to the front of the line. I turned to Shanin Specter and asked him to introduce Kenny and Charolette to the President, and he replied, "No," but he immediately responded with "Mike, I want you to do it."

So, I proceeded to the President, "Mr. President, I would like to introduce you to Kenny and Charolette Evans. Kenny has been with the Senator for the past 30 years." President Obama retorted, "my man, Kenny Evans" and extended a warm hug and handshake. Without question, I will NEVER forget that moment.

Ladies and Gentlemen, for those of us who are a part of our friend of Sen. Specter's Alumni and Family, please do not regard today in sorrow, rather rejoice in Kenny's memory and adapt his cause to your daily work.

Find comfort and solace in knowing that Kenny joins Carey Lackman and Tom Bowman, former staffers that were dedicated to the cause in helping the common man and woman of Pennsylvania and the nation. Imagine if you will the conversation they must be having right now.

For the rest of us assembled here today and to Kenny's family; specifically, Charolette, I offer this summation of a consummate advocate for the little guy, Kenny Evans, by recounting the final sentence of Sen. Ted Kennedy's "The Dream Shall Never Die Speech," at the 1980 Democratic National Convention:

"For all of those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die."

As in everything we do, may God be blessed! Thank you.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the suggestion of the absence of a quorum?

Mr. SPECTER. I do.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, right now there is a meeting at the White House that is being covered extensively by the media live. There has been much anticipation about the meeting between the President and a number of Members of Congress, equally divided between the two bodies, the House and Senate, and the two political parties. It is a chance for both sides to listen to each other. The media has decided that by and large this is going to be unproductive. I watched a good bit of it today. At least people are

being open with what they believe and what they want.

There clearly are major differences between the two parties when it comes to health care. It goes back a couple, three generations. It certainly goes back to the mid-1960s, to 1965 especially, when the Senate and the House and President Johnson signed the Medicare bill. An overwhelming number of Republicans opposed it and an overwhelming number of Democrats supported it. It wasn't as partisanly charged as this, but it had the same interest groups around it, including the same insurance company opposition, the same accusations by—it was the John Birch Society then. Today it is the tea parties who oppose it. They didn't talk about death panels back then. Perhaps the John Birch Society wasn't as creative as are the tea party people, but they said it would be a takeover by big government of health care; the government would stand between the patient and the doctor. None of that has happened with Medicare. The kinds of accusations and charges and scare tactics used by the insurance industry and mostly Republican opponents in the 1960s to Medicare are very similar to the opponents to health care today.

So I say, setting the table, that there are major differences between the two parties. I was speaking to a couple of school groups recently, one from Lakewood, OH, and one from the University of Miami in Oxford, southwest Ohio. They asked about partisanship.

One woman said: I am neither a Republican nor Democrat—a young person, a 19- or 20-year-old college student. She said: I don't understand why they are blocking appointments, why you can't even agree on that, to even have a vote.

So the partisanship is surely more charged today than it has been. I explained to them it is not so much party as ideological differences; that Democrats are believers by and large in things such as Medicare, and the Republicans think: Let the insurance industry do it. That is fine. That is a legitimate philosophical difference. The Republicans side with the insurance industry, and the Democrats believe government can play a positive role—not an overreach but a positive role in people's lives by running programs such as Medicare, by running programs such as Social Security, by running programs such as student loans, agencies such as the Environmental Protection Agency which has made our country significantly safer and people's neighborhoods significantly safer.

There are some people on the other side of the aisle who just want President Obama to fail. I don't think that is a majority of Republicans; I think it is some number. Let's ignore that for a moment and just think there are philosophical differences between the two parties. I say that because I think there is something more going on, and that is that on a lot of these issues

there has been bipartisanship on this bill.

I sit on the Health Education, Labor and Pensions Committee. We did our work on this bill back in May. Clearly, this hasn't been rushed through the Congress or rushed through with reconciliation. The Bush administration, on their big initiatives, pushed them through quickly without nearly as much debate as we have had, but, nonetheless, we sat in the HELP Committee and—the Presiding Officer knows this—we accepted, I believe, 163 Republican amendments. I voted for probably 155 of them. I agreed with most of them.

At the same time, the Finance Committee had negotiations with three Republican and three Democratic Senators. I think they took too long—that is my opinion—but the fact is, they had negotiations for months. There were discussions in May and June and July and August and September. Finally, Chairman BAUCUS, in frustration, said: Let's move forward. This doesn't seem to be working.

So there has been plenty of Republican input into this bill. There has been plenty of bipartisanship. As I said, there have been Republican amendments which have given the bill a Republican flavor and certainly a bipartisan flavor. There were a couple of specific matters. They wanted to allow health insurers to sell across State lines. We did that in the bill. The bill has provisions that allow a company in Indiana to sell insurance to residents of Ohio.

A company in Indiana can sell in Ohio, and a company in Ohio can sell insurance to somebody across the line in Fort Wayne or in Richmond or in Indianapolis or in Gary or anywhere else in that State.

So we listened to that, and we included that in the bill because that is one the Republicans always talk about: If you would only let us sell across State lines, that would be a great thing. That is what we did. We agreed to that.

The second big issue the Republicans talk about is allowing individuals and small businesses and trade associations to pool together so they can acquire health insurance at lower prices, much the way the large corporations and unions do. We did it. We set up exchanges that are basically clearinghouses of companies so that individuals can go into these exchanges and buy insurance and spread the risk out among millions of people. Or small businesses can take their employees—for a company that may have 25 employees, if one or two of them get sick from cancer, let's say, that small business will either—at best, that small business's premiums will go up and at worst they will get their premiums canceled. If two or three or four employees are sick and it costs tens of thousands or maybe hundreds of thousands of dollars, you can be in a risk pool with millions so your rates don't spike up. So the Republicans were

right about that: Let them go into pools, and we did that.

So my point is, there is Republican flavor to this bill. There is Republican input—not just input, negotiations and successes—in this bill. There are 160 Republican amendments out of the HELP Committee in this bill. There have been almost unending discussions surrounding the bill. Yet the Republicans, to a person, oppose the bill. The only reason I can figure that out—not that it doesn't have bipartisanship to it—the only reason I can figure it out is what my colleague, Senator DEMINT from South Carolina, said: If this bill goes down, it is the President's Waterloo.

I don't want to accuse my colleagues on the other side of the aisle of wanting this to fail in order to have the Democrats fail or wanting this to fail to damage Barack Obama's Presidency. I don't think that. I am not accusing them of that. I just wonder.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. LEMIEUX. Mr. President, I come to the floor today to speak on the issue of health care. Right now the leaders of this body, as well as the House of Representatives, are meeting with the President of the United States and members of his Cabinet at the Blair House to discuss the current health care reform proposal and where we should go forward to improve the health care of the people of this country.

I come to the floor today to talk about a specific portion of their discussion concerning health care fraud prevention.

Today, my colleague from Oklahoma, Senator COBURN, brought up with the President of the United States the issue of health care fraud prevention. As a Senator from Florida, this is something I have great concern about because, unfortunately, we are the capital of health care fraud for this country. I have put forward a proposal—S. 2128, the Health Care Fraud Prevention Act—to go after this very problem. Today, Senator COBURN brought up the fact that we believe that \$1 out of every \$3 spent on health care through Medicare or Medicaid or other public programs—\$1 out of \$3—is fraud, waste, or abuse—a shocking number. In fact, the belief is that \$60 billion a year in the Medicare system alone—health care for seniors—is waste, fraud, and abuse.

Unfortunately, we don't have systems in place to go after and prevent that waste, fraud, and abuse. What we do in the Federal system when we think there is fraud is we send prosecutors and law enforcement folks out to

combat the fraud. These folks are doing a very good job, and there has been a lot of good work done in my home State of Florida. But the truth is, that is going after the fraud after it has already happened, and oftentimes there is no money left to collect. What we need to do is what I have proposed, and what the Health Care Fraud Prevention Act, S. 2128, accomplishes is it stops the fraud before it starts.

I was happy today that the President agreed we need to prevent health care fraud. He said we have already incorporated all of the good ideas on this. I hope that means we are going to pass S. 2128. It is a bipartisan supported bill. It is a bill that will stop the fraud before it starts. It is not, however, in the Senate bill we passed in December. When I tried to bring this measure to the floor as an amendment, it was objected to. Since that time, I have worked with my colleagues on both the Democratic and Republican side of the aisle to move this measure forward. Senator BAUCUS and I have spoken about it. In the 11-page memo the President put forward, it references doing in part what S. 2128 would accomplish. So I hope that in the new proposal, we will put forward S. 2128 and pass it.

Quickly, what does the bill do? It does three things:

One, it creates a chief health care fraud prevention officer of the United States. That person, appointed by the President, would work at the agency for health and human services, and their only job would be ferreting out fraud. When there is \$60 billion in Medicare alone and potentially that much in Medicaid and across the health care system—we think \$¼ trillion a year in fraud, waste, or abuse—it is worth having one person whose whole job is to try to prevent that fraud. Remember, if this money is recovered, we can use it to provide health care, we can improve the quality of care because there will be more money going into actually helping our seniors, helping the poor, helping our veterans.

The second thing the bill does is it takes a model from the private sector—it borrows a page, if you will—because we have an industry in this country that does an excellent job of preventing fraud, and it is the credit card business. We have all had this experience. You go somewhere and use your credit card, and you get a phone call or an e-mail from your credit card company. They tell you some transaction has just occurred and ask: Did you really mean to have that transaction? Did you authorize that purchase? And you call them up and say either yes or no.

I have a young family, Mr. President, as you know. When I got appointed to the Senate, I brought my kids and my wife up here so we could be close. I have three children 6 and under and a baby coming in a month, so we are here in Washington, DC, most of the time. I had to do what any good dad would have to do: I had to go out and buy a television.

I went to Best Buy and bought a television. I live in Tallahassee, so before I left the store, my credit card sent me an e-mail. You live in Florida, is what this system is doing and thinking, and you are buying a television, which is a highly suspicious purchase, and you are doing it in Washington, DC. So I tell them yes, and the transaction goes through. If I tell them no, they do not pay Best Buy. They do not pay unless there is a verification on the front end.

We can use that same technology in health care to set up a predictive modeling system to prevent the fraud before it starts. I called the worldwide head of fraud prevention for MasterCard and asked him: Can we do what you do in health care? He said: Sure you can, and I will help you.

There is no reason we can't stop billions of dollars of waste, fraud, and abuse.

Mr. President, before we go on to all the other issues in health care that we can't agree upon, we should call up this bill and we should pass it. We would get 100 votes, I bet, in the Senate, and we could save what one group here in Washington thinks is \$20 billion a year. That is \$20 billion we could use to maybe pay down the debt and the deficit or put it back into Medicare, which is hurting and is going to run out of money in a few years. We could do good things with that money.

The third thing this bill does is it requires a background check for every health care provider. Can you believe we don't check the criminal records of people who claim they are providing health care to our seniors? We don't check to see if they are felons. We had a guy in Miami who was a convicted murderer who claimed to be a health care provider. This would require we do a background check. And if you are a criminal, guess what. You don't get to provide health care. You don't get to dupe the system.

So I hope we will take up this bill. I am appreciative of Senator COBURN. I am glad the President recognizes we can all agree on this. If we can all agree, let's get something done. Let's call the bill up and let's pass it.

HAITI

Mr. President, I had the opportunity to go on a congressional visit to Haiti a couple of weeks ago—actually, 2 weeks from tomorrow. We were there on the 1-month anniversary of the tragic earthquake that killed more than 200,000 people. Two hundred thousand people died in Haiti. Myself and the other Members of the Senate and the House who went there were able to see some of the tragedy.

We visited the cathedral in Haiti. You often hear President Clinton talk about this wonderful Catholic cathedral in Haiti that stood the test of time but could not stand the test of this earthquake. In fact, really the only prominent part of this cathedral that still stood, unbelievably, was the cross.

We talked to the people who were there. They are a wonderful and resil-

ient people, and it is amazing that they could go on with the tragedy they had experienced.

I had the great honor to visit the GESCO Ford Operating Hospital, staffed mostly by American doctors and nurses, some of them from Miami, some of them from Orlando, in my home State of Florida. They are doing wonderful work.

We met with the President of the country and the Prime Minister and Ministers of the President's Cabinet, and we talked about what are the next steps.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I authored to the President of the United States, to which I will be referring.

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

U.S. SENATE,
WASHINGTON, DC 20510
February 18, 2010.

Hon. BARACK OBAMA,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: On Friday, February 12, we traveled to Haiti with a bipartisan group of colleagues from the House and Senate, led by Speaker Pelosi. The situation in Port-au-Prince, Haiti is dire. While much good work has been done to provide water and food, and to bury the dead, international assistance will be required for years to come.

Although a disaster of historic proportions, this earthquake provides great opportunity for renewal and rebirth as tragedies of the past have for cities around the globe. The goal must not be to return Haiti to where it was on January 11, 2010, but to assist the Haitian people in rebuilding a better, prosperous, and stable country.

We understand that in the coming weeks your administration will put forth a funding proposal to provide further relief to the Haitian people. For our efforts to be accomplished, that funding must be pursuant to a long-term plan for the success of Haiti's re-development. Accordingly, we suggest the following:

With the aid of the international community, Haiti must develop a long-term plan for investment. That plan must include defined goals and accountability measures that ensure both transparency and sustainable progress. Second, funds must be provided in a significant way to the Haitian people directly. Micro-loans for small businesses and similar targeted programs that are directly linked to economic performance will foster entrepreneurship and organic business growth. Third, a priority of international assistance to Haiti must be to ensure the well-being, safety, and security of the thousands of orphans that are currently living in Haiti. Fourth, long-term projects must focus on infrastructure and job growth with a special attention on developing centers of commerce outside the capital city, to strengthen the economy and disperse the population. Finally, a task force composed of Haitian-American leaders should be convened to tap the energy and vigor of America's Haitian community to sustain support for the relief effort.

In the short term, a joint effort must begin immediately to move displaced Haitians to high ground before the rainy season begins in the coming weeks. Thousands of Haitians are living in low-lying camps, and tragedy will strike again when the rain comes. We urge your administration to stress this point

with President Préval and Prime Minister Bellerive.

In the midst of the terrible disaster, we were all struck by the strength and resiliency of the Haitian people. With a long-term, measurable plan for redevelopment, the people of Haiti can achieve an economy and a society worthy of our investment and their tremendous sacrifice.

Sincerely,

GEORGE S. LEMIEUX,
BILL NELSON,
AMY KLOBUCHAR,
FRANK R. LAUTENBERG,
U.S. Senators.

Mr. LEMIEUX. Mr. President, this letter is cosigned by myself, Senator NELSON, my colleague from Florida, Senator KLOBUCHAR, as well as Senator LAUTENBERG, all of whom were on the trip with me. The letter basically asks the President to do four things in trying to focus our help and relief for this country.

We have been involved in trying to help the Haitian people for decades, and the American people have opened their hearts and their wallets to help the situation in Haiti, but the situation is dire. I cannot think of a more complicated, difficult problem than trying to bring Haiti forward to a sustainable place.

Haiti was already in bad shape, but it had a path forward and progress was being made. Now, as you drive the streets of Port-au-Prince, it looks like a bombed area. It looks like a war zone. You will randomly see three buildings standing as if nothing had happened and then a building that is completely and utterly destroyed. Right now, thousands of people are huddled together in these makeshift camps in low-lying areas. My great fear for the short-term is that when the rains come, which they will in the next weeks in Haiti, there will be another great tragedy. So we have to be focused in our help.

So I, along with my colleagues, sent this letter to the President and asked the President to do four things:

First, create a long-term sustainable plan for Haiti and put in charge of that plan, on behalf of our relief efforts, a trustee, along with an inspector general, along with a board of advisers, to work in partnership with the Haitian Government to make sure the money is spent wisely. We cannot just send billions of dollars into Haiti and let the money evaporate in short-term solutions. There needs to be a long-term sustainable plan.

Second, we have to provide funds to the Haitian people directly. Small businesses need microloans so they can provide jobs for the people of Haiti. We can't just give the money to third-party contractors.

Third, we have to be focused on this orphan issue. We have to make sure it is done legally, and where it is done legally, we have to make sure we get those children to their adoptive parents as quickly as possible.

Fourth, we have to make sure Port-au-Prince is not the center of the en-

tire population for the country of Haiti. We are putting too many people in one place when tragedy strikes. We need to encourage development throughout the country.

I had the honor of having the President of Royal Caribbean cruise lines in my office yesterday—a Floridian, Adam Goldstein—and we talked about tourism to Haiti. There is a beautiful citadel in Haiti that would be a wonderful attraction for cruise ship tourists. There have been all sorts of difficulties building a road to it and making sure it is safe and secure.

We need to find ways to create jobs outside of Port-au-Prince, outside that city, so that fragile humanity is not all focused in one place.

Finally, we need to make sure the Diaspora of Haiti, the Haitian-American people—for example, we have about 250,000 Haitian Americans in Florida—are involved in the rebuilding of Haiti. They need to be welcomed. They are dying to get involved. They are hungry to get involved in this process of rebuilding their home country.

So I hope the President will put together this commission, appoint a strong leader—a Colin Powell or someone of that magnitude—as the trustee to work with the Haitian people to rebuild the island of Haiti, and I hope we can get effort and energy behind that proposal quickly so we don't have any other significant challenges in the coming months ahead for the Haitian people.

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

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise today because our economy is struggling. Unemployment remains high, and the recession's hold on cities across America is as strong as ever. My home State of Nevada has been one of the hardest hit, and our tourism-dependent economy is barely hanging on. Unfortunately, this is true for tourism-dependent cities across our country.

During these difficult economic times, it simply isn't enough to try to stimulate domestic spending by passing one massive spending bill after another. We need to incentivize tourists from across the world to visit the truly unique destinations across America. From one coast of this country to the other, there are endless opportunities to tour historic sights, take advantage of recreational opportunities, observe great architecture, visit theme parks, dine in some of the finest restaurants in the world, view natural and man-made miracles, and soak up everything that is so uniquely found in America. We all know we live in the best country in the world. Now is the time for people across the world to enjoy all we have to offer while repairing our economy at the same time.

My colleague from North Dakota, Senator DORGAN, understands the importance of reasserting our tourism industry on the world stage. Together, he

and I have sponsored the Travel Promotion Act, which is before us today. This bipartisan piece of legislation would help to make our travel and tourism industry more successful and more competitive internationally. So I thank my colleague, Senator DORGAN, for his great leadership on this important issue.

Tourism is our country's truest form of economic stimulus. The average overseas visitor to the United States spends roughly \$4,500 per trip to pay for hotels, transportation, dining, shopping, and other things. Unfortunately, tourism took a massive hit on 9/11, and it has not yet recovered. This lost decade has only been made worse by last year's recession.

If the United States had managed to keep pace with global travel trends, 68 million more travelers would have visited the United States between 2000 and 2009. These travelers would have generated an estimated 250,000 new U.S. jobs in 2008 alone.

At a time when unemployment is at record-high numbers in this country, we cannot afford to throw away anymore tourism-related job creation. We could take a cue from Canada on successful ways to spur this tourism that we need so badly. If you have been watching the Olympics, you have seen these ads about British Columbia. I don't know about the rest of you, but it has made me actually want to go up and visit. But it is not just watching the Olympics. It is the ads that have been the most successful part of making me want to go to that part of the world. They have beautiful things to advertise, to show you: Doesn't that look like an incredible place to go visit?

Think about all we have in America that we can advertise to the rest of the world that may not have thought about it. I didn't think about going up to Vancouver and British Columbia, but those ads spurred my interest in it, and I am sure they have for many Americans and other people around the world. Tourism-related jobs can be created simply by spreading the word about the wonderful destinations that are literally scattered across the United States of America, and we can do it without raising taxes on hard-working American families or by digging ourselves even further into debt.

Unfortunately, the United States has dropped the ball when it comes to tourism and the industry has been virtually left behind. Declines in visits to the United States since 2000 have cost our country an estimated \$500 billion in lost spending and at least \$30 billion in lost tax receipts.

My speech today is not all gloom and doom, however. Instead, I stand here to offer a solution, a solution that can help get our hard-hit tourism industry back on its feet. What we need is a comprehensive strategy coordinated by public-private partnerships between the Government and the expert leaders

from our travel and tourism industry. This effort needs to center on a major initiative that will make the wonderful destinations throughout our great country known to foreign audiences. Actually, we do not want them to just be aware of these magnificent places. We want them to feel compelled to visit them.

September 11, 2001, forever changed our country and the security measures along with it. But we need to teach potential visitors about the new security policies of today so they can travel to and from our country with ease.

The bottom line is, the United States stands to make great gains economically and diplomatically if we strengthen our travel and tourism industry. So how do we go about doing this? The Travel Promotion Act which is before us today would create a public-private corporation for travel promotion to promote the United States as a travel destination to overseas travelers. This corporation would develop and execute a plan to do the following: It would promote the United States to foreign travelers by using coordinated advertising campaigns and other promotional activities, similar to what we see in the Olympics with Canada; the corporation would identify and correct misperceptions about U.S. travel policies; it would also help provide travel information to foreign visitors to the United States such as information about entry requirements, fees, and documents; and last, the corporation would focus its efforts to ensure that all 50 States benefit from overseas tourism, including areas not traditionally visited by international travelers.

Understand this, no taxpayer funds would be used to finance the corporation for travel promotion. Let me repeat that. No taxpayer funds would be used to finance the corporation for travel promotion. All the funding would come from private industry and from user fees paid by some international visitors. This would finally put the United States on equal footing with many other developed countries.

This legislation would be a true lifeline to my home State of Nevada, which depends so heavily on travel and tourism. I mentioned earlier my State was one of the hardest hit. But I do not think that description does the situation in Nevada justice. The tourism industry in Nevada, especially Las Vegas, has truly been crippled by the economy. Nevadans who were already struggling through home foreclosures have been forced to carry the burden of the downturned economy. Taxicab drivers, valets, housekeepers, waiters and waitresses and construction workers are drowning in this recession because Americans are not traveling like they used to. These workers are barely keeping their heads above water and some are not even able to do that. They are losing their homes, which has truly annihilated the housing market in my State.

Boosting overseas travel will provide for growth in an otherwise shrinking

segment of our economy, and it will help heal local economies around our country. This will, in turn, greatly advance our overall economy at a time when we cannot afford to turn away the potential of hundreds of billions of dollars.

With domestic travel and convention travel down, overseas travel could be the silver lining we all need. At a time when our country faces record deficit and spending levels, I know this money may seem like a lot. Believe me when I say to you that I take my pledge of fiscal responsibility very seriously. I vote against spending bills that come across this floor all the time because they simply are an irresponsible waste of hard-earned taxpayer dollars. However, this bill is a responsible use of dollars. It does not apply a government spending bandaid to tough economic situations. It creates a solution that will greatly benefit our economy, and it does it without taxpayer dollars.

The Travel Promotion Act, which has the overwhelming support of Democrats and Republicans alike, is a relatively small investment that will significantly boost our economy, create jobs, and make us more competitive in the world. The bill will not increase the deficit. This bill does not increase the deficit. But it could spur billions in additional economic activity, benefiting Americans all around the country.

The Congressional Budget Office—nonpartisan, the official scorekeeper around here—confirms it will not place any additional burden on the taxpayer. People across my State and across the country have had to make difficult decisions when it comes to their own families' budgets. In fact, the legislature in my home State of Nevada is coming to terms with steep spending cuts and slashing services across the board as we speak, in a special session, because it is too far in the hole to sustain the current spending spree. So Americans are looking to us to boost the economy and so far we have not been able to do that.

Yes, we have spent money—and a lot of money at that, in fact—but our economic situation remains the same. I am asking that we look to the tourism industry as a lifeline for our economy, as I know it will be for my State and for so many others. The Travel Promotion Act will be that lifeline. It will create jobs, create opportunity, and show the world the beauty and the diversity of America.

Each one of us, who together represent all 50 States, knows we have incredible places to show the rest of the world. My home State of Nevada is actually the gateway to the Grand Canyon, which is located in Arizona. We have Lake Tahoe. We have, obviously, Las Vegas. We have so many other places to visit around our great State. But every single Senator could tell those stories. What we need to do is tell them in a way that makes foreign travelers want to come to America.

The Travel Promotion Act is going to help us do that.

Let me remind folks, if you watch the Olympics, ask yourself these questions when those commercials about British Columbia come on: Does that make you more or less likely to go, especially if you can afford it? I think the answer is pretty obvious. They make an attractive case to visit their country.

This is the United States of America, with some of the most beautiful, incredible places to see. Are you telling me we cannot advertise this in a way that makes people want to come here? Of course we can. We can have tourism boosted like never before in this country and all Americans will benefit by doing that because when foreign travelers come here, they spend money, boost the economy, and boost every single State in this country.

I encourage this Senate to pass this bill as quickly as possible and get it over to the President for signature so we can get on with boosting the economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, may I ask what is the pending business before the Senate?

The PRESIDING OFFICER. The travel promotion bill.

Mr. WEBB. I ask unanimous consent to speak for 5 minutes as in morning business.

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

KENNAN NOMINATION

Mr. WEBB. Mr. President, I would like to speak for a few minutes on behalf of Justice Barbara M. Kennan, who is the nominee to serve on the Fourth Circuit Court. I respectfully request, in the name of good governance and the proper functioning of our constitutional system, that our colleagues on the other side of the aisle allow a prompt vote on her nomination.

Justice Kennan was voted out of committee in October of last year by a unanimous voice vote. Her nomination is noncontroversial. She has been a dedicated public servant, a fair and balanced jurist, and her nomination has had broad bipartisan support. I believe it is critical that we move forward as quickly as possible to confirm her nomination.

There are currently four vacancies on the Fourth Circuit, more than any other circuit. The seat that Justice Kennan would fill has been vacant for more than 2 years. Justice Kennan is an extraordinary choice to fill this vacancy. She has been a State supreme court justice since 1991. She has been a trailblazer for women in the law throughout her career. At the age of 29, she was the first female general district court judge in Virginia when she was selected for the Fairfax County bench. That was in 1980. She became the first female circuit court judge when she was promoted to that court in 1982.

In 1985, she was 1 of 10 judges named to the First Virginia Court of Appeals and the only woman when that court was created. She was selected for the State Supreme Court, the second female justice ever to serve there, in 1991. She was, in fact, the first judge to have served on all four levels of Virginia's courts.

I also would like to point out when Governor McDonnell was recently sworn into his office, he specifically requested that Justice Kennan deliver him the oath of office. There is a wide bipartisan consensus inside Virginia about the quality of this nominee, and I am very hopeful we can move forward in an expeditious way.

I am mindful of the Senate's constitutional role in confirming executive nominations. It is vitally important, and a robust vetting process and debate is appropriate. We have conducted, inside Virginia in our delegation, that kind of vetting process which resulted in Justice Kennan's name being moved forward.

In the spirit of pragmatic bipartisanship and good governance, I believe it is time to move past these procedural delays that seem to infect us and get on with the business of governing.

I would like to point out that out of 876 Federal judgeships, there are now 100 vacancies. These delays affect the administration of justice. These vacancies delay the resolution of disputes and they diminish our citizens' rights to a speedy trial. It is my understanding that Justice Kennan has broad support in this body. The vote in the Judiciary Committee is evidence of that. In fact, I will be very surprised if any Senator were to vote against her confirmation. Again, I am asking my colleagues on the other side of the aisle if they might allow this nomination to advance in a timely way.

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. KAUFMAN. 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. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. KAUFMAN. Thank you.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 3043 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAUFMAN. 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. 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. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. BURRIS. Madam President, as I address this Chamber, President Obama is hosting the leaders of both political parties in a summit on the issue of health care reform. He has asked for all serious proposals to be brought to the table, once and for all, in an effort to bridge the gap between the House and Senate legislation and pass a final bill. He even provided his own proposal for how we can reconcile these bills with one another.

I thank the President for his leadership on this issue and his continued commitment to the issue of health care reform. I am glad he has called Republicans and Democrats to the table once again in yet another effort to reenergize this debate and move forward on behalf of the American people. I remain confident that we can still get this work done. That is why I have come to the floor today: to reaffirm my commitment to comprehensive health care reform and to urge my colleagues to join with our President and the leadership of our respective parties to find a real solution. In fact, I recently joined many of my colleagues in signing a letter urging this Senate to pass a bill that includes a public option—something everyone in this room knows I have supported since the beginning of this long debate. No matter what comes out of this afternoon's summit, I will judge our final proposal based on its ability to acknowledge three goals—the same three goals I have called for time and again over the past several months.

Our reform bill must restore competition to the insurance market, it must give us the tools to hold insurance companies accountable, and it must provide real cost savings to the American people. I am confident we can pass a measure that is capable of meeting these goals. I remain confident that after nearly a century of inaction, the American people demand and deserve nothing less.

Every President, every Congress, every ordinary citizen in the past 97 years has had to wrestle with a health care system that is broken and inadequate, a system that our predecessors consistently failed to fix; a system that has deteriorated badly over the last few decades and that remains unworthy of this great Nation. Today, 47 million Americans are without health insurance and 88 million do not have stable coverage. As a result of our broken system, 45 million Americans die every single year because they had no health insurance. These shocking facts should never be far from our minds as we debate these issues. They are more than statistics; they are ordinary Americans who desperately need our help.

As I address this Chamber today, we stand on the verge of correcting the oversights of the past century and getting these people the help they need. Legislation has been written, amended, and rewritten. We have compromised and compromised again. Each Chamber of the Congress has passed a comprehensive bill. Neither bill is perfect but both represent significant progress. We are so close to doing this. Now is the time to finish the journey.

Late last year, both the House and Senate voted for health care reform with a strong voice and a clear majority. At this point, we have only to reconcile the differences between these two bills. Just this week, President Obama released his detailed proposal outlining exactly how we can get this done. I urge my colleagues from both Chambers and from both parties to strongly consider this option.

Regardless of how we choose to proceed after today's bipartisan health care summit, let us come away with a definite plan of action. Let us come away with a plan to get this done, a plan that includes competition, cost savings, and accountability.

It is time to realize the promise of the last 100 years. I urge my colleagues to finish the fight that Teddy Roosevelt first waged more than a generation before any of us were born. Now is not the time to lose our nerve. Now is the time to act with conviction. Let's not allow the obstructionist tactics of a few to undermine legislation that garnered 60 votes in this Chamber and 220 votes in the House. I refuse to accept that a handful of "no" votes can invalidate 280 votes. I refuse to accept that the minority party can stifle the voices of millions of Americans and hundreds of Members of Congress who have demanded that we win this fight. I call upon my colleagues in both Chambers to look past our differences and carry out the will of the American people. They sent Democrats to Congress with the largest majority in decades. They elected a President who has pledged himself to this cause.

As far as the American people are concerned, this debate was over a long time ago. This issue has carried the day. This is the measure that the American people voted for in 2008 and, my fellow Democrats, this is what our party is all about. Now is not the time to shrink from the fight but to engage in it. Now is not the time to falter or to second-guess the wisdom of the folks who sent us here. Now is the time to take bold action, to forge ahead, to carry forward the ideas and principles of our party by delivering real results and delivering for the American people a health care plan that will give them protection and not see their premiums going up 39 percent and 40 percent.

Comprehensive health care reform will extend quality coverage to 31 million Americans. It will reduce premiums and prevent insurance companies from abusing their customers or discriminating against people who get

sick. Can my colleagues imagine: You get sick and think you have coverage today and then they cancel your policy and you have no coverage. The majority leader stood on the floor yesterday and told the story about the young kid with the cleft lip where the father paid \$90,000 because the insurance company canceled the policy because the kid was born with a cleft lip. That is unconscionable. We in this country should not tolerate it.

The Senate bill could even cut the Federal deficit by about \$1 trillion over the next two decades. I ask my colleagues: What are we waiting for? This is about values, not politics. Our country deserves better, so let's make it happen.

In politics, it is easy to find excuses. It is easy to wait, to delay, to place blame on another and throw up our hands. That is not leadership. That is not what the American people have called upon us to do and it is far less than they deserve. The American people have been waiting for 100 years, and I, for one, think that is quite long enough.

I say to my colleagues: It is time for us to lead. It is time to take up the mantle of Teddy Roosevelt and, yes, Teddy Kennedy, and everyone in between. Because this isn't just about health care; it is about creating jobs, helping small businesses, and keeping America on the road to economic recovery. These issues are not separate as some would have us believe. They are tied inextricably together. Fixing the American health care system will reduce the deficit, make it easier for small businesses to meet expenses, create jobs, and provide health coverage to more Americans than ever before. The way I see it, we cannot afford to wait any longer.

So let us act with a strong, united voice. I urge my colleagues to join me in passing a final health care bill and sending it to President Obama as soon as possible. Yesterday would have been all right. Let's win this fight. Let's stand up for what we believe in and succeed where our predecessors came up short. The stakes are too high to settle for anything else.

I say to my colleagues, and to those who are meeting today with the President, we must come up and out of this summit with a plan that is going to give health insurance to the people of America not tomorrow, not next week, but right now.

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

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

Mr. REID. Mr. President, Nevada's tourism has been hit hard by the slow-

ing worldwide economy. And when tourism in Nevada hurts, the entire State suffers.

Hardworking people have lost their jobs. The State's budget has taken a major hit. Because that budget is largely funded by tourism, funding for vital programs in our State are at risk.

But Nevada is not alone. Its problem is not unique. Tourism is one of the top industries in nearly every State in the country and one of the largest employers in America.

That is why this bill is so important. This is an opportunity not only to give American tourism a boost, but it is one of the many ways we are working to create jobs and help our economy recover.

The concept behind it is simple: It says, let's create jobs and reduce the deficit. It is a win-win for the economy of every State and our national economy alike.

And it is a bipartisan bill that take the strategies that have made Las Vegas such a success and brings them to our entire Nation's tourism industry.

This week, the U.S. Travel Association called the last 10 years a "lost decade" for tourism. It cost us half a million jobs and half a billion dollars in lost spending. This bill will turn that around.

The travel promotion bill is a jobs bill. It is about creating jobs, it is about growing our economy and it is about keeping the United States competitive in the world travel business.

UNANIMOUS CONSENT REQUEST—H.R. 4691

I ask unanimous consent that the Senate proceed to the consideration of H.R. 4691, which is a 30-day extension of provisions which expire on Sunday, February 28—they are an unemployment insurance extension; COBRA, health insurance for the unemployed; flood insurance; the Satellite Home Viewer Act; highway funding; SBA business loans and small business provisions of the American Recovery Act; SGR, which is the so-called doctor fix; and poverty guidelines—received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid on the table.

This matter passed the House unanimously today. The reason it passed the House unanimously today, if we don't do something about this, all around America, about 1½ million people who will be watching TV will no longer watch TV. This is mostly in rural areas of America, rural areas of Nevada. I guess we could be hard-hearted and say they don't need to watch TV, but in Nevada we have very harsh winters in many parts of the State. For many of these people, the only way they can get information is through television. It could lead to some very serious problems. If we talk about flood insurance, even though Nevada is a very dry State, this is something we need to do for States where we have all kinds of problems with floods all the time. We,

in northern Nevada and in southern Nevada, have had some devastating floods, not often but we have them. Highway funding, this costs nothing, what we are doing here, the extension costs zero. SBA business loans, this costs \$60 million to allow the SBA to continue processing programs to allow people who want to have a business to get a few dollars so they can continue or start a new business. We are not going to be able to do this because it expires at the end of this month; small business provisions of the Recovery Act, the same thing; poverty guidelines, these things cost nothing basically nothing; the SGR, it is my understanding about \$1 billion is being asked for here. I think it is such a shame that we don't get this done. The big ones, though, from my perspective, are the poor. We have people who weren't poor who are now poor because they have been unemployed for so long. This will terminate on Monday. I talked to the Presiding Officer. In just a matter of weeks, 65,000 people in Illinois will no longer be able to draw these benefits. In the State of Nevada, which is not as heavily populated as Illinois, thousands of people who have been unemployed for long periods of time—and I repeat, they started out in this business not being poor; they are poor now—it would be a shame not to give them those moneys.

My friend, the distinguished Senator from Kentucky, is going to say: Pay for all this. As I have gone through everything we have talked about, it doesn't cost much money. Unemployment compensation does. It costs a lot of money. We have millions of people who are unemployed. In years past, when we wanted to extend unemployment benefits, it was an emergency, a declared emergency historically in this body. Why? Because it is an emergency. We have rules in effect, pay-go rules we have passed. Of course, we can look to that as a step forward. But that doesn't mean we don't have emergencies.

I would also say that COBRA—what is COBRA? It is a program to help people who are out of work or who lose their jobs get insurance.

Anyway, I say to my friend from Kentucky, I would hope that for the people I have described who are just wanting us to do our work, we can get that done. I hope my friend would not object to this.

The PRESIDING OFFICER (Mr. DURBIN). Is there objection?

Mr. BUNNING. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Kentucky, Mr. BUNNING.

The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 4691

Mr. REID. I ask unanimous consent that the Senate now proceed to H.R. 4691 and that the Reid of Nevada substitute amendment which is the desk be considered read; that the Republican leader or his designee be recognized to offer a substitute amendment, and

there be 60 minutes of debate with respect to that amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the amendment be agreed to and the Reid substitute, as amended, be agreed to; that if the waiver fails, the amendment be withdrawn; further, that there be 30 minutes for debate with respect to the Reid substitute amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the Senate proceed to vote on adoption of the Reid substitute amendment; further, that no further amendments, motions, except a motion to reconsider a vote, or debate be in order; that upon disposition of the Reid substitute amendment, the bill, as amended, be read a third time; and following the reading by the clerk of the budgetary effects of the pay-go legislation with respect to H.R. 1586, the Senate proceed to vote on passage of the bill, as amended; that upon passage, the title amendment, which is at the desk, be considered and agreed to.

Before my friend from Kentucky makes his feelings known, let me say this. This is something we worked out yesterday. When I say "we," that means Democrats and Republicans, all except one Senator. What this agreement allows is for all the provisions in this, these extensions be paid for out of the stimulus or the economic recovery money. That is a fair vote. Some people want to do that. Let's vote on it. We know what the rules are. We are sent here to vote. We are not sent here to object. When 99 Senators want something done, it is not right for one Senator to hold it up. My friend has that right. But it is a real problem for so many different people. I would hope we could have a vote. We can do it tonight and move on to other things.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object, I just wish to make sure I am objecting to the right motion. In the third-to-last sentence, the leader used, in my opinion, the wrong number. He used H.R. 1586.

Mr. REID. Mr. President, the Senator from Kentucky is right. I have it written here.

Mr. BUNNING. It should be 4691.

Mr. REID. That was my mistake. I appreciate the Senator catching that.

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard by the Senator from Kentucky, Mr. BUNNING.

Mr. BUNNING. Mr. President, may I now speak and propose a unanimous consent? First of all, let me say this to my good friend from Nevada. I have worked all day trying to work out a compromise, anywhere from 2 to 4 weeks on this UC, trying to get it paid for, for the time of the extension. We were very close. We tried to get agreement using different pay-fors than what I am going to propose. But in the final analysis, it came down to, when the White House summit adjourned, the leader came back and it was going to be his way and no one else's way. That is what it turned into. I am going to propose a 30-day extension with an offset. So I am as anxious to get those same provisions he has brought up—the COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA provisions, American Recovery Act, SGR, poverty guidelines. I wish to get them renewed also.

UNANIMOUS CONSENT REQUEST—H.R. 4691

So, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. BURRIS). Is there objection?

The majority leader is recognized.

Mr. REID. Mr. President, reserving the right to object, there probably has never been a time in the history of our country when we had economic conditions that are like they are today—unemployment all over this country averaging some 10 percent; some States as high as 14 percent. If there were ever an emergency with our economy, it is tonight, it is today. And to think we are not going to declare this an emergency?

Millions of people are unemployed, millions of people have been unemployed for long periods of time and their unemployment benefits are running out. They are not able to buy their health insurance because the program is going to expire on Monday.

The Senate has a history of treating unemployment benefits as an emergency. No one, I repeat, can argue that the current economic downturn does not represent a grave emergency. So, Mr. President, I am forced to object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, I now ask unanimous consent that notwithstanding rule XXII, the cloture vote on the motion to concur in the House amendment to the Senate amendment to H.R. 1299 occur at 7:50 p.m. tonight—3 minutes from now—that if cloture is invoked, then all postcloture time be considered yielded back, Senator DEMINT then be recognized for up to 10 minutes to move to suspend the rules;

that upon the use of that time, the Senate then proceed to vote on the DeMint motion; that if the DeMint motion is successful, then the amendment be agreed to, and the motion to concur with the amendment be agreed to; that if the DeMint motion fails, then no other motions or debate be in order; that the motion to concur with an amendment be withdrawn, and the Senate then proceed to vote on the Reid or Nevada motion to concur in the House amendment to the Senate amendment to the bill, H.R. 1299.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we expect to have three votes here tonight. As soon as those are done, we will not have another vote until Tuesday, but it will be in the morning.

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act.

Harry Reid, Byron L. Dorgan, Russell D. Feingold, Patrick J. Leahy, Daniel K. Inouye, Kay R. Hagan, Jeff Bingaman, Robert Menendez, Richard J. Durbin, Jack Reed, Mark Begich, Patty Murray, Bernard Sanders, Robert P. Casey, Jr., Barbara Boxer, Jon Tester, John D. Rockefeller IV.

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

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

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

The yeas and nays resulted—yeas 76, nays 20, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—76

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| Akaka | Baucus | Begich |
| Alexander | Bayh | Bennet |

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| Bennett | Hagan | Nelson (NE) |
| Bingaman | Harkin | Nelson (FL) |
| Bond | Hatch | Pryor |
| Boxer | Inouye | Reed |
| Brown (OH) | Isakson | Reid |
| Burris | Johanns | Rockefeller |
| Byrd | Johnson | Sanders |
| Cantwell | Kaufman | Schumer |
| Cardin | Kerry | Shaheen |
| Carper | Klobuchar | Shaheen |
| Casey | Kohl | Snowe |
| Chambliss | Landrieu | Specter |
| Cochran | Leahy | Stabenow |
| Collins | LeMieux | Tester |
| Conrad | Levin | Thune |
| Dodd | Lieberman | Udall (CO) |
| Dorgan | Lincoln | Udall (NM) |
| Durbin | Lugar | Vitter |
| Ensign | McCaskill | Voivovich |
| Feingold | Menendez | Webb |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wicker |
| Gillibrand | Murkowski | Wyden |
| Graham | Murray | |

NAYS—20

| | | |
|------------|----------|-----------|
| Barrasso | Cornyn | McCain |
| Brown (MA) | Crapo | McConnell |
| Brownback | DeMint | Risch |
| Bunning | Enzi | Roberts |
| Burr | Grassley | Sessions |
| Coburn | Gregg | Shelby |
| Corker | Kyl | |

NOT VOTING—4

| | |
|-----------|------------|
| Hutchison | Lautenberg |
| Inhofe | Warner |

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senator DEMINT, his vote and the next vote be 10 minutes in duration.

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

Cloture having been invoked, the motion to refer falls.

Under the previous order, all postcloture time is yielded back.

The Senator from South Carolina, Mr. DEMINT, is recognized for up to 10 minutes.

Mr. DEMINT. Mr. President, I know many here are very anxious to start a new government agency, and I won't hold you up for very long.

It is important that we recognize some things that are happening. There is probably one good thing we can do tonight—maybe—to stop the landslide of more government control. In the last year—a little over a year—we have seen this Federal Government take over two of our largest auto companies, our largest mortgage company, our largest insurance company, and expand its control on America's domestic energy sources, and, of course, we had the debate on trying to expand control of health care.

We are expecting, very soon, a new financial reform package that will expand Federal control everywhere from Wall Street to the local pawnshop.

While these big things are coming in front of us, there are things happening in the executive branch that are circumventing Congress, and that should concern us. A lot of you have heard

from industries back home about what the EPA standards are doing. Businesses don't know what to expect, nor do local communities. I had an engine company in my office today that said orders were on hold until they find out what the EPA is going to do. I have also had people in my office in the last week talking about the FCC and the coming ruling on expanding control over the Internet—one place in our economy that continues to boom with innovation.

There is one thing that just leaked out that I want to bring to your attention. We need to try to halt that tonight before it is too late. A whistleblower at the Department of the Interior leaked a document that shows they are considering using the Antiquities Act to grab over 10 million acres of land in nine Western States and basically take them offline of jobs for mining, forestry, and energy. This includes Nevada, Utah, Montana, New Mexico, California, Arizona, Oregon, Colorado, and Washington. It is important that we stop this and at least have some Senate hearings on what they are trying to do.

This is a priority for what we are talking about today because the President and the Congress have said our top priority is jobs. This action by the Interior Department will hurt jobs. It will dry up tax revenues in local communities and States. It will restrict energy supplies in this country.

Mr. President, all I am asking is that we suspend the rules, which require 67 votes, and vote on this amendment to stop the Department of the Interior from taking over over 10 million acres of land and hurting our economy and jobs.

I promised the leader I would keep it to less than 10 minutes. I encourage everybody to support this motion I am getting ready to make.

Mr. President, I move to suspend the provisions of rule XXII, including germaneness requirements, for the purpose of proposing and considering my amendment, which is at the desk, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I rise in opposition to the motion of the Senator from South Carolina to suspend rule XXII and offer an amendment to prohibit the establishment of national monuments under the Antiquities Act or any other law.

I understand that the proposed amendment is in response to allegations that a portion of an internal planning memo at the Department of the Interior identified several areas throughout the country as areas that may be appropriate for potential national monument consideration.

The Secretary of the Interior has stated that the document was simply a brainstorming exercise to identify sites on public land that might merit more

serious consideration for possible management options, and that no decisions have been made about which areas, if any, might merit more serious review and consideration.

I don't think it makes sense to try to legislate every time an article appears in a newspaper. I would observe that even the document in question that was leaked to certain Members of Congress states that "further evaluations should be completed prior to any decision, including an assessment of public and Congressional support," and Secretary Salazar has publicly stated his view that new designations and conservation initiatives work best when they build on local efforts. So I think that any attempt to legislate at this time is very premature.

Apart from the substantive problems with the proposed DeMint amendment, the travel promotion bill is not the appropriate legislation to consider this issue, and waiving the Senate rules to allow for consideration of an amendment that would not otherwise be in order is, in my view, not appropriate.

For these reasons, I oppose the motion to suspend rule XXII.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

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

The yeas and nays resulted—yeas 38, nays 58, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—38

| | | |
|------------|----------|-------------|
| Barrasso | Crapo | McConnell |
| Baucus | DeMint | Murkowski |
| Bennett | Ensign | Nelson (NE) |
| Bond | Enzi | Risch |
| Brown (MA) | Graham | Roberts |
| Brownback | Grassley | Sessions |
| Bunning | Hatch | Shelby |
| Burr | Isakson | Tester |
| Chambliss | Johanns | Thune |
| Coburn | Kyl | Vitter |
| Cochran | LeMieux | Voivovich |
| Corker | Lugar | Wicker |
| Cornyn | McCain | |

NAYS—58

| | | |
|------------|------------|-------------|
| Akaka | Feinstein | Mikulski |
| Alexander | Franken | Murray |
| Bayh | Gillibrand | Nelson (FL) |
| Begich | Gregg | Pryor |
| Bennet | Hagan | Reed |
| Bingaman | Harkin | Reid |
| Boxer | Inouye | Rockefeller |
| Brown (OH) | Johnson | Sanders |
| Burris | Kaufman | Schumer |
| Byrd | Kerry | Shaheen |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Kohl | Snowe |
| Carper | Landrieu | Specter |
| Casey | Leahy | Stabenow |
| Collins | Levin | Udall (CO) |
| Conrad | Lieberman | Udall (NM) |
| Dodd | Lincoln | Webb |
| Dorgan | McCaskill | Whitehouse |
| Durbin | Menendez | Wyden |
| Feingold | Merkley | |

NOT VOTING—4

Hutchison Lautenberg
Inhofe Warner

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 58. Two-thirds of the Senate voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to concur with amendment No. 3326 is withdrawn.

Mr. INOUE. Mr. President, I am pleased to join my colleagues in support of H.R. 1299, the Capitol Police Administration bill, the legislative vehicle for the Travel Promotion Act of 2009.

The Travel Promotion Act of 2009 will allow the United States to remain competitive as a welcoming destination for foreign travelers. Our ability to explain the processes and changes made by the United States to gain entry for travel will help to ease fears about the entry process. The proposed nonprofit, independent corporation charged with this responsibility will be able to conduct the necessary outreach and promote tourism in a way that the tourism industry cannot. In addition, an Office of Travel Promotion will be able to work with the Department of State and the Department of Homeland Security to improve the entry process.

Promoting the United States as an attractive tourist destination for both leisure and business with international visitors is of the utmost importance to the many States that house destination resorts. Consider the experience of my own home State of Hawaii. Hawaii's economy largely relies on travel and travel related business. Visitors from around the world come to see our islands' natural beauty, and experience the spirit of "Aloha." Our Nation's hospitality industry suffered a severe setback following the events of September 11, 2001, and travel from abroad to the United States fell dramatically.

It is not only the hospitality industry in Hawaii that suffers, but our local businesses. The State of Hawaii boasts its beauty and environment, but many travelers to our State come to do business, which is sometimes obscured or overlooked because of Hawaii's label as a tourist destination. The hospitality industry's employees rely on vacationers and businessmen and women to provide for their families. The economic activity generated by this industry continues to struggle during these financially challenging times.

Hawaii's experience is not unique. The hospitality industry nationwide continues to face similar challenges, and the economic effects have rippled through the nation to impact all of our citizens. The State of Hawaii's visitor statistics continue to reflect the downward trend. Preliminary travel data for 2009 indicate that there was an overall 3.5 percent decline in the number of international visitors to the islands compared to the number of international visitors in 2008. Nationwide,

the number of international visitors between January and November of 2009 fell by 7.2 percent compared to the same period during 2008.

Both developing countries and industrialized economies around the world have ministers and offices that promote travel to their respective countries. However, the United States does not have an office that promotes travel and tourism abroad. This legislation is an important first step in the right direction. Establishing an Office of Travel Promotion will help to attract foreign travelers to the United States. This will not only sustain our tourism based industries, it reinforces business relationships and promotes a better understanding between Americans and our friends abroad. Interacting with the American people is a valuable tool at our disposal to dispel international travelers of misconceptions they may have about our country. Approximately 74 percent of visitors have a more favorable opinion of the United States after visiting our country.

The economic activity generated by international travel and its promotion should be approached in the same manner we foster other industries equally important to jobs and the economy. The Travel Promotion Act of 2009 is vital to our travel and tourism industry's ability to compete globally, and to restore confidence in the United States' image as a country that is committed to welcoming our friends from abroad. I urge my colleagues to support this legislation, and help us ensure that international business and leisure travel to the United States is given all of the tools necessary to succeed.

The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 1299.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—78

| | | |
|-----------|------------|-----------|
| Akaka | Boxer | Collins |
| Alexander | Brown (OH) | Conrad |
| Barrasso | Burr | Dodd |
| Baucus | Byrd | Dorgan |
| Bayh | Cantwell | Durbin |
| Begich | Cardin | Ensign |
| Bennet | Carper | Enzi |
| Bennett | Casey | Feingold |
| Bingaman | Chambliss | Feinstein |
| Bond | Cochran | Franken |

| | | |
|------------|-------------|------------|
| Gillibrand | Levin | Sanders |
| Graham | Lieberman | Schumer |
| Hagan | Lincoln | Shaheen |
| Harkin | Lugar | Snowe |
| Hatch | McCaskill | Specter |
| Inouye | Menendez | Stabenow |
| Isakson | Merkley | Tester |
| Johanns | Mikulski | Thune |
| Johnson | Murkowski | Udall (CO) |
| Kaufman | Murray | Udall (NM) |
| Kerry | Nelson (NE) | Vitter |
| Klobuchar | Nelson (FL) | Voivovich |
| Kohl | Pryor | Webb |
| Landrieu | Reed | Whitehouse |
| Leahy | Reid | Wicker |
| LeMieux | Rockefeller | Wyden |

NAYS—18

| | | |
|------------|----------|-----------|
| Brown (MA) | Cornyn | McCain |
| Brownback | Crapo | McConnell |
| Bunning | DeMint | Risch |
| Burr | Grassley | Roberts |
| Coburn | Gregg | Sessions |
| Corker | Kyl | Shelby |

NOT VOTING—4

Hutchison Lautenberg
Inhofe Warner

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I have no real strong feelings about this bill other than that I do not think this country needs to create another corporation, a corporation that would be authorized to impose an annual assessment on U.S. members of the travel and tourism industry represented on a board of directors of the corporation established in the Department of Commerce, Office of Travel Promotion. I do not believe we need another office in this bureaucracy, so I will be voting against this bill. I voted against it on June 22 of last year, September 8 of last year, and September 9 of last year, so my vote would have been the same this year.

UNANIMOUS CONSENT AGREEMENT—H.R. 4213

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March 1, at 3 p.m., the Finance Committee be discharged of H.R. 4213, an act to provide for certain extenders; that once the committee is discharged, the Senate then proceed to its consideration; that after the bill is reported, Senator BAUCUS or his designee be recognized to offer a substitute amendment, and once the amendment is reported by number it be considered read.

Mr. President, prior to a ruling, I would like to express my appreciation to the Republican leader and all those who worked so hard to get us to the point we are at today and next week. We should have a very good week next week. Everyone should be ready for some legislating. There will be a number of amendments offered, some of which I know, most of which I don't know what they will be. But a lot of work has gone into this very important legislation and, again, I express my appreciation to the Republican leader and others who worked so hard to get us to where we are.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

UNANIMOUS CONSENT REQUEST—
H.R. 4691

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28—unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR and poverty guidelines—received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Senator has objected to extending unemployment benefits across the United States of America which will expire on Sunday night. He has also objected to extending COBRA benefits, which is health insurance for the unemployed people across America. This has been done regularly, now that we are in this recession, because millions of Americans are out of work. We know there are four or five, maybe even six people for every available job. Folks have depleted their savings, they run the risk of losing their homes, they are trying to keep their children in school, they are trying to provide the necessities of life, and the Senator from Kentucky objects to their having unemployment benefit checks.

What does it mean to me? Well, in the State of Illinois, it means that as of Sunday night, 15,000 people in my State will stop receiving unemployment benefits because of the objection of the Senator from Kentucky. It means that every week thereafter another 15,000 will lose their unemployment benefits. It is a harsh reality that many of these families have been looking for work for a long time.

The Senator has also objected to providing assistance to small business. The request I made would extend, for 30 days, provisions of the Small Business Act and the Recovery Act lending programs for small businesses. So what the Senator from Kentucky is doing, as of Sunday night, is shutting down the availability of credit for small businesses across America through this Small Business Administration program. In the midst of a recession, when we are told small businesses are the engine that will bring us out of this recession, when they are desperate for credit to keep their doors open, fami-

lies who have spent a lifetime building a small business are going to be denied an opportunity to borrow money through the Small Business Administration because of the objection of the Senator from Kentucky.

Let me say a word about COBRA. One of the first casualties of unemployment is health insurance. Sadly, many of these people are in a position where they do not qualify for Medicaid—health insurance for the poorest people. So they find themselves without health insurance for the first time because they are unemployed. We said, under President Obama's Recovery Act, we are going to help you pay for those premiums so you can continue to have health insurance for your family. That expires Sunday night too. The objection of the Senator from Kentucky means thousands of people across America will lose their health insurance. Because of his objection, they will lose it on Sunday night.

Workers who lose their jobs count on COBRA. And COBRA, frankly, is expensive. On average, COBRA coverage consumes 84 percent of unemployment benefits. It is not cheap. The average monthly unemployment benefit in Illinois is just over \$1,300. The average monthly family COBRA premium is over \$1,100. Through the Recovery Act, we said we would pick up 65 percent of that. Well, because of the objection of the Senator from Kentucky, if these people want to maintain their health insurance through unemployment, they are basically going to have to turn to savings or give it up.

Why? Why would we want to heap this kind of suffering on people who are already going through such misfortune? It isn't just Illinois that suffers, it is virtually every State. As of December, there were 221,000 people in Kentucky unemployed—10.7 percent of the Kentucky workforce—63,000 people in Louisville, 18,000 people in Lexington, 6,000 in Bowling Green, 5,500 in Elizabethtown, 5,000 in Owensboro. As they are desperately looking for work, many of these people are just getting by on unemployment checks. They are just trying to get by.

Last month, the State of Kentucky had the sharpest increase in unemployment claims in the country—in the entire United States—with 2,510 more claims than the month prior due to the automobile industry and manufacturing job cuts. Unfortunately, many of these people will lose their unemployment benefits in Kentucky because of the objection of their Senator. If Senator BUNNING has his way, more than 14,000 Kentucky residents will lose their unemployment assistance in March and 60,000 by the end of June.

Why? Why are we doing this to these families in Kentucky and Illinois and every State? Everyone acknowledges there is only one objection. Everyone in this Chamber acknowledges we are a caring and compassionate country, and we will, on an emergency basis, extend a helping hand to those who have lost their jobs.

Most Senators have left for the evening, but some have stayed on the floor. I have asked them if they would like to say a word on this issue. They are going to go home and tell their people back home there are going to be some terrible things happening as of Sunday night because of the objection of the Senator from Kentucky: 15,000 in my State, thousands in his own State and all across the country.

I am staying tonight to talk about this because, frankly, I don't think this ought to be business as usual. I don't think one Senator ought to be able to heap this kind of suffering and misfortune on people who are already struggling in this economy. If you wish to take it out on somebody, take it out on a colleague or a debate, but these are helpless people out of work.

Senator REID offered to the Senator from Kentucky an amendment—bring to the floor your theory on how to pay for this. He has a theory. He wants to pay for it with unexpended stimulus funds, as I understand it. He would have had his chance on the floor to make his case. He would have had a rollcall at the end of the day. He might have won, he might have lost, but he came to the floor yesterday and said I am not going to fall for that. I may lose this amendment and therefore I am going to object.

That is the nature of things. It is like when you pitch a ball game. Sometimes you win and sometimes you lose. On the floor, sometimes you win—

Mr. BUNNING. Do you know about that?

Mr. DURBIN. I have never pitched a ball game. I never have. I am very proud of what you have done in your baseball career. But let me tell you, this is a wild pitch you are throwing tonight because this is a pitch that is hitting somebody in the stands, it is hitting an unemployed worker in Illinois. That is a wild pitch that should not have been thrown, Senator.

I believe when you look at what this is going to do across America, this is unforgivable that we would do this to these unemployed people.

For the Senator from Michigan, I yield for the purpose of a question.

Ms. STABENOW. I appreciate the Senator from Illinois, my friend, in his comments. I guess my question would relate to the State of Michigan because the Senator listed off some very important statistics. I wonder if the Senator is aware that in March, 62,000 people in the great State of Michigan, where we have the highest unemployment rate—we have a 14.6-percent unemployment rate, over 700,000 people right now unemployed, looking for work. These are people trying to keep a roof over their head, trying to keep food on their table, they are trying to hold things together as they are looking for a job. Yet we have 62,000 great people from Michigan who are going to lose their benefits in March. In fact, if this continues—and I know all of us are working very hard to get a year extension of

unemployment benefits. But I am wondering if my friend is aware that by May, 225,000 people in Michigan will be out of their benefits. These are people who are looking for work. We know for every one job available there are six people right now who are fighting to get that job. We have a jobs agenda. We are working very hard to make sure there are more jobs and partnering within the private sector.

But in the meantime, I am wondering if my friend would agree with the fact that this is a disaster, in fact. This is as much a disaster for families as anything else. We do emergency spending for floods and hurricanes and all kinds of disasters. For families, would my friend agree, this is as much of a disaster and warrants as much immediate attention as anything else we do?

Mr. DURBIN. I would say to the Senator from Michigan, this has been characterized as an emergency because it is an emergency. It has been acknowledged by the Budget Committee. It will be treated as an emergency spending situation. It is an extraordinary situation, just like a drought or flood or hurricane or tornado. These people have had their lives disrupted. We are trying to keep these families together. If there is ever a family value issue, this is it.

At this point I would like, on behalf of the people of Michigan and Illinois and Kentucky, Mr. President, to ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28, unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA, business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. The Senator from Kentucky objects.

The PRESIDING OFFICER. The objection is heard.

Mr. DURBIN. Mr. President, I yield to the Senator from Rhode Island for purposes of a question.

Mr. REED. I am wondering if the Senator can confirm that we have routinely extended unemployment benefits over many decades, over both Republican and Democratic Presidents and Republican and Democratic Congresses, and we have always done it when the unemployment rate was at least above 7.4 percent. I think the lowest unemployment rate in which we suspended unemployment, extending benefits, was 7.4 percent. I say that because in Rhode Island we are up to 12.9 percent and there are other States that are equally disadvantaged.

This not only sort of upsets what I think is the logical way to proceed on this tonight, but it rejects decades and

decades of the common sense and common decency of the Congress.

I think and I hope you can confirm that understanding.

Mr. DURBIN. I say to the Senator from Rhode Island he is correct. In these extraordinary times when people have lost so many jobs, we set politics aside and we say we are going to help these people, whether it is victims of an economic disaster or a natural disaster. I cannot imagine if I were going home to Rhode Island, facing 12.9 percent. It is 11.1 in my home State of Illinois. You have a larger percentage of your population going through this. I am sure you have examples of friends, of folks who have already contacted your office who are at their wits end to figure out how to keep their families together.

I have seen it. I went to the unemployment offices in Chicago. I hope the Senator from Kentucky has visited with unemployed families in his State and understands how desperate they are. These are people who will do anything to get a job. They will do anything to get an interview.

They are trying desperately. Some of them are taking training courses, trying to figure out anything that might work to get a job.

They are really up against it when it comes to health insurance. It is one of the first casualties. This objection by the Senator from Kentucky will make it next to impossible for these families to have health insurance as a result of his objection.

I don't understand why we would do this. We are a caring people. On a bipartisan basis we step up as an American family when people are in need. I would not ask twice if someone came to me with a disaster in another State, because I know I have needed help in my own State. This is a real disaster. It is one that has affected virtually every State.

When you take a look at some of the provisions in this bill—incidentally, beyond unemployment—some people, particularly those living in rural areas, are affected by this Satellite Home Viewer Act which will not be extended because of the Senator's objection. It is a minor inconvenience for some, maybe more of an inconvenience for others. But why would we do this? Why would we object to the extension of these basic provisions in the law for 30 days? That is all we are asking for. I would think that is very basic and something we should be doing.

I also think the idea of helping the doctors who are treating Medicare patients is not an unreasonable thing to do. These are people who are taking care of the elderly in America, our parents and grandparents. This so-called SGR, the sustainable growth rate, or doc fix, is also one of the provisions which the Senator from Kentucky is objecting to.

It doesn't make sense. We want to make sure patients across America receive the care they are entitled to, that

Medicare patients can go visit their doctors and doctors can receive adequate compensation for doing that. I do not think that is an unreasonable thing for us to ask and I hope my colleagues who are on the floor here, if they have similar situations in their own State with unemployment, or if they are dealing with small businesses needing credit, would join me in this conversation on the floor about how unfair it is to be objecting to this extension of unemployment benefits.

I yield to the Senator from Missouri for purposes of a question.

Mrs. MCCASKILL. Mr. President, I am not prepared with some of the questions I would like to ask because, frankly, I am surprised. I would like to be able to ask you and compare the numbers in Missouri, the number of families who are going to find out tomorrow morning that even though we have appropriately extended unemployment benefits, that now we are not going to. I think they are going to be as surprised as I am. It is easy to get out of touch in this place. People are deferential to you around here. They open doors for you and bow and scrape. It is easy to forget what people are going through, what families are feeling right now, how hard it is for them to look to the future and still see that American dream on the horizon.

Really, 30 days of unemployment? Really? Have we gotten to that? Have we gotten to the point that that is going to be a political football? I think we have to take a hard look in the mirror, if it comes to this—30 days of unemployment insurance for families who want to work, who deserve to work, who are trying to work.

By the way, let me ask the Senator from Illinois, if the unemployment runs out, where do those families go? What happens then? Where do they go?

Mr. DURBIN. I would say to the Senator from Missouri that for many people there is almost no place to turn. In my hometown of Springfield, IL, there is something called township assistance, when you have no place to turn. It is a fraction of the money you would receive for unemployment. It would barely provide money for food for these people.

Mrs. MCCASKILL. I am assuming if they get to the point, then it is food stamps, right?

Mr. DURBIN. That is correct.

Mrs. MCCASKILL. There is other governmental assistance that is available to them. Maybe they will have to lose their homes. They would have to go to homeless shelters.

What I am trying to get at is there is a cost to this. It is not like all of a sudden the government is not going to get any cost if these people stop getting unemployment insurance. If they lose their health insurance, it is not as though they are going to not get treated in the emergency room if they get hit by a car on Monday. We are going to take care of them in the emergency room. We are all going to pay for it.

This is wrong. I hope the Senator sticks around and renews this motion for a while. I hope some of us stick around and help.

The American people need to realize how out of touch this place has gotten.

Mr. DURBIN. Mr. President, on behalf of unemployed people in Kentucky and Rhode Island and Michigan and Illinois and Missouri, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28; unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. BUNNING. It seems to me people have not been listening, particularly the Senator from Illinois. He has been through two of these with the leader. He heard the arguments on both sides. Unfortunately, he has a one-side-only view of this situation. I have offered the same COBRA, flood insurance, unemployment insurance, Satellite Home Viewing Act, highway funding, SBA loans, small business provisions—I have offered to do the same thing for the same amount of time. The only difference I have, and some of my good friends from the other side of the aisle, is that I believe we should pay for it. There is a right over the last 3 years of the Democratically controlled Congress. We have run up \$5 trillion in debt. There has to be a time to stop that.

We just passed, last week, pay-as-you-go. The first bill up—and I have said this before earlier—was the small business bill that just passed. Now, \$5 billion out of that bill was paid for; \$10 billion was not.

This is the second request after we passed the small business bill that the leader proposed. This also adds \$10 billion to the deficit. That is \$20 billion in two small bills.

What I have proposed is that we pay for it. My gosh, we have over \$400 billion in unspent stimulus money. I also worked, or tried to work, with the leader and his staff. I know he was busy at the White House, but I tried very hard to work with his staff to get other pay-fors and cut the time down to 2 weeks to make sure these people were taken care of.

I did not get any support from my good friends on the Democratic side of the aisle. I did not think it was fair to do what you are proposing to do, the Senator from Illinois. I will be here as long as you are here and as long as all

of those other Senators are here. I am going to object every time because you will not pay for this and you propose never to pay for it.

Eventually, by Tuesday, when we do have another vote, you will get a vote, and you will get this done. So I am trying to make a point to the people of the United States of America: We have a debt of \$14-plus trillion. I listened to the head of the Federal Reserve speaking to me in the Banking Committee today, and he looked straight at me and said the debt and the proposed budget of the Obama administration makes the debt unsustainable. We cannot sustain it.

I have a family of nine children and 40 grandchildren. I am as concerned as all of those good Senators sitting over there to pay for this and make sure we give these benefits to those people. But that is not the case. So it is their way or the highway, and I am not taking the highway.

Mr. DURBIN. Regular order.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I wanted to give the Senator from Kentucky an opportunity to explain his position. I did not assert regular order until he had an opportunity to do so. But I would like to remind him, on November 4 of last year, he issued a press release entitled, "Bunning Supports Extension of Benefits for Kentucky's Unemployed." The legislation includes Senator BUNNING's net operating loss amendment. It passed by a vote of 98 to 0. And he said:

Kentucky has been hit hard by the current economic downturn. This legislation will lend a helping hand to working families across the Commonwealth who are in search of a job.

It was not paid for either. The point is, we are in the same recession. It has gotten worse in some areas of the country, particularly in the Senator's area of the country.

As I reported earlier, unemployment figures are growing in Kentucky. The situation is just as dire and just as serious.

I share the Senator's concern about our deficit situation. But virtually every reputable economist you will talk to will tell you, in the midst of a recession you need to insert into the economy economic activity and spending, and the money that flows through the fastest is unemployed benefits to those out of work because they spend it instantly. It goes right back into the economy.

This idea of somehow we are going to hold back on unemployment benefits and balance the budget on the backs of unemployed people in Illinois and Kentucky, you could not pick a worse strategy or a worse time to do it. The stories coming out of Kentucky and the stories coming out from Illinois are as graphic as can be.

Samantha, who lives in Kentucky, writes: I am in desperate need of help.

I have been unemployed since January 31, 2007, cannot find work anywhere. I was laid off after 10 years of employment. I was able to get 26 weeks of UI benefits. After these ran out, I thought I needed to take whatever job I could find. I took a job that I was told would be full time at minimum wage. I never got more than 20 hours a week. When I asked my employer, I was told I would get more hours. I was forced to quit due to not being able to afford childcare and transportation. I still cannot find work. I have been forced to sign up for government assistance. This is not enough to live on. I have three children.

Talk about 40 grandchildren. This lady has three children she is trying to support—"and we have already lost our home. Is there anything I can do to try and qualify for unemployment?"

I mean, for goodness' sakes, why would we want to make this deficit battle on the back of Samantha from Kentucky. Let's have this battle out on the budget resolution. Let's have it out on appropriations bills. But on unemployment benefits, for someone in this circumstance? That, to me, is pushing it too far. This is a national emergency. It should be treated as such.

I am supportive of the commission we voted for and only had 53 votes. But I believe it is a step in the right direction toward resolving our deficit difficulties. The majority leader has appointed me as a member of the Presidential Commission on the Deficit and Debt. It is not an easy assignment. I take it seriously. But I will tell you, if the belief is that we can somehow deny enough unemployment benefits to people to balance the budget, I do not want to see what America will look like. I cannot imagine what it will look like with Samantha and her three children if that becomes our national strategy.

Ms. STABENOW. Will the Senator yield for a question? I want to ask a question. Would the Senator from Illinois agree that we make choices here every day about what, in fact, we are going to do? And there is no question that the deficit is a huge issue. But I, along with you, have a reaction this evening listening to my friend from Kentucky, who is my friend. We have worked together on a number of different issues.

But to hear that somehow, when there has not been a concern about rising deficits when we were talking about tax benefits for the wealthiest Americans that did not have to be paid for, but now we are talking about those who find themselves, through no fault of their own, without a job, who are trying to hold it together in one of the worst economies certainly of my lifetime, and that somehow we are now—now—going to worry about balancing the budget and the deficit on the backs of the least of our brothers—I mean, that is really what is being talked about tonight. I find it outrageous that we would be having this kind of discussion.

Would my friend agree that, in fact, there are other choices? In fact, when we have the debate about extending the tax cuts to the wealthiest Americans, I want to hear the same debate and the same objection coming as is coming to people right now who are trying to hold it together for \$200 or \$300 a week and keep food on their table for their families.

Would my colleague agree?

Mr. DURBIN. I agree with the Senator from Michigan. I will tell you that because the Senator from Kentucky has noted our current national debt, \$14 trillion, I think it is worth a moment to explain that debt and how we reached that astronomical figure.

When President George W. Bush became President of the United States, we had a national debt of \$5 trillion, and we handed him a surplus—as President Clinton left office, he gave to President George W. Bush a surplus. At the end of the George W. Bush Presidency 8 years later, we were knocking on the door of \$12 trillion in debt. We had more than doubled the national debt in 8 years.

How did that happen? Some of it came from circumstances beyond President Bush's control. 9/11 devastated the economy, and that devastation cost us dearly in terms of jobs and services and businesses and revenue lost.

But conscious decisions were made by the George W. Bush administration to enact tax cuts in the midst of a war. That has never happened before in the history of the United States. It is counterintuitive. In addition to your ordinary budget of your country, you have a war budget on top of it. When you desperately need revenue to pay for that war and the ordinary expenses of your government, this administration, the previous administration under George W. Bush said: Let's give tax cuts to the wealthiest people in the midst of those two wars. They were voted on by the other side of the aisle, who supported the idea, driving us deeper in debt as a nation. And, of course, we waged the wars under President Bush without paying for them. That, too, added to our national debt.

Another \$400 billion was added to the debt with the Medicare prescription drug program, which was not paid for. So when this President came to office, he inherited not only a recession, but \$12 trillion in national debt brought on by the previous administration. The recession has taken and added another \$1 trillion to that debt in this last year, and we are trying to claw our way out of it.

Now, that is the reality and the history of how we reached this point of \$14 trillion in debt. To suggest it is the Democratic side of the aisle that does not take the deficit seriously, I would say, we produced a surplus under President Clinton, a surplus that was handed to President George W. Bush and quickly mushroomed into the biggest debt in the history of the United States of America.

Mr. SESSIONS. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. SESSIONS. The Senator from Illinois is very eloquent in his advocacy. But I think he is avoiding the question posed by Senator BUNNING, who simply says he is prepared tonight to fund the programs that you wish, to have them go forward.

As I understand it, is it not true he said that if you take this \$10 billion, I think it is, that is required to fund this program, and you fund it out of the \$400 billion unspent from the stimulus—a large part of it was supposed to be for this very purpose—that he would let the bill go tonight; that what he objects to is not doing that, and which, in effect, means—does it mean that the debt will be increased again tonight by another \$10 billion.

Mr. DURBIN. In response to the Senator from Alabama, there is one element that he has forgotten to include; that is, the majority leader, Senator REID, offered to the Senator from Kentucky a vote, an up-or-down vote, as to whether these unemployment benefits and COBRA benefits would be paid for out of stimulus funds. He rejected it. He said: I do not want to agree to that because I may lose the vote. And he may.

The Senator from Kentucky would not agree to a vote on that question. He said: I may lose it. Well, he may. He may win it. But the fact is, he would not agree to a vote. He said: You have to put in this unanimous consent request a provision that says this would be paid for.

Now, I would say to the Senator from Alabama, I understand that the remaining stimulus funds, most of which are already committed and obligated, will be spent this year on projects in Alabama, Illinois, and Kentucky to create jobs. So the money we take out of that stimulus fund now unspent is money that will not be spent to create jobs across America.

Now that, to me, would be a misfortune because we want to create jobs. I will concede to you this money for unemployment will add to the deficit, as previous emergency spending for unemployment has as well. What we are asking for tonight has been the ordinary care of business, which the Senator from Kentucky has supported as recently as November.

Mr. SESSIONS. Will the Senator yield?

Mr. DURBIN. I yield only for the purposes of a question.

Mr. SESSIONS. We are well aware that the Democrats have a sizable majority in this body, and if the Democratic leadership, including yourself, is committed to not paying for this and taking care of this appropriation by borrowing additional money from the world on which we pay interest, then it is likely to be a futile act to have this vote.

He is asking you to step to the plate, as I understand it, is he not, and say:

Join with me and let's pay for it, either through the stimulus or some other way, and let's not keep adding debt because that is what the American people are asking. And I ask you, are you not hearing that from your constituents?

Mr. DURBIN. I am hearing from my constituents that they want jobs. They are out of work. Many of them are unemployed. And I would say to the Senator from Alabama, we may have 59 votes, but you know as well as I do that 60 votes is the coin of the realm in this body.

You also know that with very little parliamentary effort, you can drag out this whole question through motions to proceed and cloture and filibusters. It can go on literally for days if not weeks.

I ask the Senator from Alabama, why would we do that in a situation where these people desperately need help for unemployment assistance and for health insurance? Why do we want to heap this misery on them?

We said to the Senator from Kentucky: You can have a vote. You may win. You may lose. You will have your day on the floor of the Senate. He said: No. Unless you accept my way, go to the highway. Did I hear that earlier? As far as I am concerned, that is not a reasonable approach.

I have called up amendments on the floor and lost them. But the point is, you make your best case, and the Senate decides whether to support your position.

Mr. SESSIONS. I thank the Senator from Illinois for allowing me to ask those questions. I think the Senator from Kentucky is speaking on behalf of the conscience of a lot of Americans, a majority of Americans, if they heard this debate. He is doing it as a matter of principle. I know he has no desire to see people not receive unemployment compensation. He is willing to support that. He simply is saying that enough is enough.

Mr. BUNNING. I have a question for the Senator from Illinois.

Mr. DURBIN. I yield for a question.

Mr. BUNNING. The press release you read from was about an unemployment insurance extension that was fully paid for. So don't compare apples to oranges.

Mr. DURBIN. I will verify that. I was given information it was not. If I am incorrect, I will state so. But we have extended unemployment benefits repeatedly and not paid for them.

Mr. BUNNING. I understand that. I have voted for that occasionally. But this one you read from was fully paid for.

Mr. DURBIN. I will check on that. If the Senator is correct, I will make that point in the record.

I would like to notify the Senator from Kentucky about Joetta from Ferguson, who wrote:

I have been laid off since October 31, 2008. When I was laid off, I lost my health insurance coverage. The COBRA plan offered cost so much, I could not keep the insurance. I

was told if business picks up in the spring, I could get called back to work. However, since I was laid off from the concrete company, there have been two other office personnel laid off this past January, so I doubt I will be called back to work. I am 58 years old. I have a high school education. I am finding it extremely difficult to find a job, even though I apply for work and am registered with the local unemployment office. I am not one to seek after handouts. However, I have worked all my adult life and have paid taxes as most everyone else has. And I do not expect favors from anyone. I am completely down and out and can hardly pay bills, buy food, et cetera, let alone medical expenses. My husband has insurance through his employment but the cost to add me onto his plan is so high, we simply cannot afford it. Also, he makes \$10 per hour, so it isn't as if we have an abundance of money to live on. And I am a very economic person.

It is hard to imagine why we would say no to unemployment benefits for Joetta from Ferguson under the circumstances. If we want to fight this budget and deficit battle, why would we hurt her in the crossfire of the conversation? Why wouldn't we extend these unemployment benefits for her and thousands like her in Illinois and Kentucky and other States?

Mr. MERKLEY. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to the Senator from Oregon.

Mr. MERKLEY. First, I would like to know, as we stand here tonight, have we paid for the tax cuts handed out to the wealthiest Americans?

Mr. DURBIN. If you are talking about the tax cuts under President George W. Bush, no.

Mr. MERKLEY. I am a new Senator. I have been here just over a year. But I don't recall, in January of 2009 when I arrived, that any Member stood up and said: I am going to hold up everything right now until we pay for the tax cuts for the wealthiest. Did that happen in January? Did I miss that?

Mr. DURBIN. No, it did not happen. I don't think it has ever happened. It is an indication that when it comes to giving relief to those who are in a pretty luxurious state, we don't pay for it.

Mr. MERKLEY. It sounds as if the Senator shares my memory, because I don't remember it in January 2009. I don't remember it in February 2009. I don't remember it in March 2009. I don't remember it in April, May, June, July, August, September, October, November, December, or January of this year or this month.

I am confused. I am confused that the principle has been put forward tonight that there is a reason to hold up a program that hasn't been paid for. Even if we haven't been here late into the evening having a discussion about paying for the tax cuts, are there Members of this body who have held up affairs over the last 14 months, saying it is time to take care of paying for the tax cuts for the wealthiest Americans?

Mr. DURBIN. No. As a matter of fact, there are some who are trying to extend estate tax benefits to even the wealthiest of the wealthy and to give

them additional assistance and argue that tax cuts should not be paid for.

Mr. MERKLEY. So the principle being presented tonight is that if you are fortunate to be among the wealthiest Americans, we will give you additional benefits and it doesn't matter if we pay for them. But if you are among the most unfortunate Americans who have lost their jobs—and when you lose your job, you might well have lost your health care that went with your job—if you are struggling, then it matters that it is paid for immediately.

Mr. DURBIN. I agree with the Senator. It is a double standard, and it is one that benefits those who are wealthy as opposed to those who are out of work.

Mr. MERKLEY. It is a double standard that bothers me a great deal.

We in this Chamber are fortunate enough to receive a paycheck. But back home, I have a tremendous number of families, working families in Oregon who are not going to get a paycheck. I have unemployment in Crook County of 16.8 percent. I have unemployment in Douglas County of 14.9 percent. In Harney County, it is 15.5 percent. In Deschutes County, it is 14.5 percent; Jefferson County, 14.1 percent; Lake County, 12.9 percent; Josephine County, 13.6 percent. These are counties where more than one in eight people is out of work.

Am I to say to my good citizens back home that if you are among the most fortunate, we will give you additional benefits, unpaid for, but if you are down and out, it is just too bad, we are going to hold up everything and say we are not going to help you?

Mr. DURBIN. That is exactly what has happened with this objection, this objection to extend unemployment benefits for 30 days. That is all we are asking for, 30 days.

Mr. MERKLEY. So if I understand right, there is the complete opportunity to have a debate 30 days from now, but we could have had the debate tonight because there could have been a vote tonight. It was offered but turned down. There will be opportunities throughout this next month, but we are going to cut people off at the worst moment here because one Senator says: I am happy about unfunded gifts to the most fortunate, but I am determined not to help people who are down and out.

Mr. DURBIN. I would say to the Senator from Oregon, that is exactly what has happened. When it came to the tax cuts, they weren't paid for. They went primarily to the wealthiest people in America. Now unemployment benefits not paid for are objected to.

Mr. MERKLEY. I am deeply disturbed that one could be so disconnected from the challenges of working Americans as to have us in the situation we are in at this moment.

Mr. DURBIN. I would say to the Senator from Oregon, here is a comment from Sharon, who is also from Kentucky. She writes:

I have worked since the age of 15. I hold two MA degrees and have worked a full and part-time job for 15 years. I entered the private sector until my position was eliminated approximately 14 months ago. Gas prices almost prevented my seeking employment very far from home. At 55 years of age, I never thought I would be without health care. I never considered that I would have difficulty finding a job. By the way, my spouse was also employed by a company which was downsized and sold twice within 1 year. He is also unemployed. We live in Kentucky which is a more rural part of America. Our state and county typically have a high unemployment rate as well. Extension of unemployment insurance would be a lifeline.

That lifeline has been cut off by the objection of the Senator from Kentucky.

I yield to the Senator from Vermont for purposes of a question.

Mr. SANDERS. I thank the Senator for yielding. We have talked about the fact that unemployment today and economic suffering is probably greater than at any time since the Great Depression of the 1930s. But I wonder if the Senator from Illinois is aware that the problem is not just high unemployment but long-term unemployment; that, in fact, I believe we have never seen in modern history a length of time in which people are unemployed as is currently the case. Would the Senator concur that what we are looking at now is a modern tragedy in terms of the length of time people are experiencing unemployment?

Mr. DURBIN. I would agree with the Senator from Vermont. You have to go back 70 or 80 years to the Great Depression to see this long a period of unemployment.

Mr. SANDERS. I want to ask another question. My recollection is that a number of months ago there was a vote here on the floor of the Senate regarding the repeal of the estate tax. My understanding is that vote to repeal a significant part of the estate tax would have benefited, as I recall, the top three-tenths of 1 percent of the population; 99.7 percent of the people would not have benefited. I could be wrong, but my understanding is that if that legislation, that bill, that amendment had passed, it would have cost our government about \$1 trillion in a 10-year period, \$1 trillion in benefits to the top three-tenths of 1 percent.

Can my friend from Illinois remind me as to how many Republicans voted against giving \$1 trillion in tax breaks to the top three-tenths of 1 percent that was not paid for?

Mr. DURBIN. I would say to the Senator from Vermont, I do not recall, but I think he might recall. Does he?

Mr. SANDERS. On my suspicion—I won't swear to it—I don't recall that any Republican did not. I may be wrong on this, but my recollection is that all Republicans voted to repeal the estate tax, voted for that legislation. Some Democrats did as well.

But I find it remarkable, picking up on the point the Senator from Oregon made a moment ago, here we were talking about \$1 trillion over a 10-year

period to benefit the top three-tenths of 1 percent. I don't recall hearing anybody saying: Hey, we have a huge national debt. We can't afford another trillion dollars. But somehow, when it comes to desperate people who are hanging on by their fingernails, trying to keep their families afloat in the most serious economic moment since the Great Depression of the 1930s, somehow, right now that has to be paid for. We have to pay for \$10 billion, but somehow you don't have to pay for \$1 trillion over a 10-year period. I don't quite understand that. Maybe my friend from Illinois can elucidate.

Mr. DURBIN. I would say in response, I do not understand it. It is hard for me to follow the logic that we need to reward those who are the most comfortable in America and punish those who are suffering. That is what this objection does. By denying unemployment benefits and COBRA benefits to those out of work, it literally makes their lives more difficult. Yet many of the same people have argued that these tax breaks for the wealthy should be considered as part of our future, even if they are not paid for. I don't follow the logic behind that position in any way whatsoever.

Mr. SANDERS. For the record, the sum was \$350 billion over 10 years, not \$1 trillion. The trillion would have been the complete repeal of the estate tax. But nonetheless, \$350 billion benefiting the top three-tenths of 1 percent is a sizable chunk of cash. I am somewhat amazed that nobody at that point was terribly worried about how that was going to be paid for.

I thank the Senator from Illinois.

Mr. DURBIN. I yield to the Senator from Pennsylvania for a question.

Mr. CASEY. I don't know if the Senator has seen this, but this is the National Employment Law Project, February 2010. One of the columns highlights the total number of individuals exhausting their unemployment benefits in the month of March. I don't know if the Senator from Illinois quoted this number earlier. I don't think he did. But the total for the month of March in Illinois would be 65,431 people. In my State of Pennsylvania, the total would be not quite that high but 62,599 people.

That leads me to my second question. I had the opportunity a couple weeks ago to sit with 8 of the 560,000 people in my State who are out of work. In Pennsylvania, that 560,000 adds up to 8.9 percent of the workforce, but it is an incredibly high number—maybe not a record but very close. Those eight individuals were like every one of the people in this country who has lost their job, not through anything they did. Through no fault of their own, they are out of work.

I would ask the Senator from Illinois about what he has seen and heard from individuals he has sat down with in Illinois who have lost their jobs and are going to job centers and places such as that to fill out unemployment forms,

fill out job applications. I would ask you about that.

(Mr. MERKLEY assumed the Chair.)

Mr. DURBIN. I say to the Senator from Pennsylvania, in response to the question, through the Chair, that I have been to these unemployment centers in Chicago and downstate, and I am always heartened by the fact that these people are just not going to give up. They really keep trying. But you can tell that many of them are beaten down. Some of them tell me about how many times they now apply on the Internet for any job openings and they do not even get a response. They consider it a victory just to get an interview or a response, and they just keep trying every single day. Meanwhile, they are trying to keep their families together, and the only lifeline they have is unemployment insurance checks. It is not a lot of money: \$1,100 a month. Imagine trying to live on it. It is a very meager amount of money, particularly for someone who is used to a larger paycheck and more comfort in life. Why would we cut off the \$1,100 a month to these people at this moment in time when the economy is so weak? I do not understand why we would object to providing unemployment benefits to these people, whether they are in Pennsylvania or Kentucky or Illinois. In my way of thinking, many of these folks are in this situation through no fault of their own, and they are trying their best to turn their lives around and it is not an easy circumstance for any of them.

Mr. CASEY. The ones I have met in that—they call it a career link, a job center—of those eight individuals, all but one—but maybe even the one—of those eight people were in their fifties, sixties, or seventies. In most instances—probably five out of the eight, maybe six out of the eight—they had never lost their job before; they had never had to depend upon unemployment insurance, food stamps, any kind of help. In fact, one woman said she felt ashamed that she had to apply for food stamps. She had never had to be that reliant on anything. Another woman by the name of Debbie said to me: We just want to get back to work. We don't want to be in this condition. We want to get back to work. So there was no complaining.

But I want to ask the Senator, as well, you referred earlier to another part of this discussion, which is that we focus on those who need this unemployment insurance—and we are talking here just about a 30-day extension; we are not talking about providing this for years or a long period of time—but the Senator talked about the economic impact of the spending of these dollars. I do not know if the Senator is familiar with what Mark Zandi, the economist, talked about. I do not know if the Senator is familiar with that. Let me just ask the Senator that.

Mr. DURBIN. I say to the Senator from Pennsylvania, I am aware of that economist, and I am aware the CBO re-

cently reported that the one thing we can do to generate more economic activity in our economy that is better than anything else is unemployment assistance. It is No. 1 on their list. They talked about tax credits for new jobs in small businesses, but No. 1 was unemployment assistance. So as we cut back on unemployment assistance, the economy starts to go into a stall. We are not putting the money back into the economy; we are pulling it out at a time when the Federal Reserve is trying to keep interest rates low to generate more economic activity and move us forward to better employment. We are pushing against it. We are taking unemployment assistance out because of the objection of the Senator from Kentucky—one Senator who has objected. So from the economist viewpoint, we are doing exactly the opposite of what we should be doing to get this economy moving again.

Mr. CASEY. Let me add that the reference to the Congressional Budget Office—that has been the referee or the arbiter of what is used as a number for health care, what protections are for spending—I heard the summary of that same report on the House side at a Joint Economic Committee meeting.

But the reference I made earlier is a very similar analysis made by Mark Zandi. Mark Zandi is an economist from moodys.com. He happened to be an adviser to JOHN MCCAIN's Presidential campaign, so he is not some partisan in this debate. But he said, going back a year ago, when we were debating the recovery bill—whether to enact it or not—he said that if you spend \$1 on unemployment insurance, you get I think it is more than \$1.60 back, somewhere in the \$1.60 to \$1.70 range. So this is not only a question of how we help people who have lost their jobs through no fault of their own; the secondary benefit here is it can help people who are out of work and need a stimulated economy, need an economy that is jump-started by the spending we would provide through unemployment insurance. So it makes no sense.

As the Senator from Illinois said earlier, there are lots of ways to make the argument that our friend from Kentucky is making, but this is not the time or the place, when all we are talking about is a 30-day extension of unemployment insurance for people who, through no fault of their own, have lost their jobs. It makes no sense. And as I look at these numbers in Pennsylvania of 62,599 people losing or will lose, if he prevails, their unemployment insurance in the month of March, it makes no sense.

Mr. DURBIN. I thank the Senator from Pennsylvania.

I yield to the Senator from Alaska for a question.

Mr. BEGICH. I thank the Senator very much.

I have a couple questions in regard to the bill. I will probably have more later, but, first, remind me and the

people who are watching what the unemployment rate for our country is today.

Mr. DURBIN. Currently, on a national basis?

Mr. BEGICH. On a national basis.

Mr. DURBIN. I believe it is now just slightly below 10 percent on a national basis. In my State, it is still over 11 percent.

Mr. BEGICH. In your State, it is 11 percent?

Mr. DURBIN. Yes.

Mr. BEGICH. In my State, it is 9 percent.

I will lay out a couple points. In my State, the 9 percent, which is one of the highest in years for us, one of the highest numbers ever in a long time, but when you look at it by region—and I am curious if in your State it has similar impacts like this—for example, 9 percent is a lot, no question about it, but in the Aleutians East Borough in Alaska it is 20.2 percent; in Bethel it is 14.8 percent; in Aleutians West Borough it is 13.7 percent; in the Northwest Arctic Borough it is 12.89 percent; in Kenai Borough it is 12.3 percent; in Mat-Su it is 10.4 percent. Those are examples. The number is high for our State. It is one of the highest in many years. But it really does not tell the whole story.

I ask the Senator, do you have similar circumstances that are regionally higher than the average for your State?

Mr. DURBIN. I say to the Senator from Alaska that Rockford in the northern end of my State was as high as 15 percent. You know, it does not tell the whole story because, as they say, some people get discouraged when they are out of work and they do not get counted on these rolls anymore. So the actual unemployment rate is much higher. These people will not be affected by our action tonight because they are not in the program, they are not receiving unemployment assistance. But the actual misery index of people unemployed over a long period of time is even higher.

Mr. BEGICH. They have given up. They have lost faith.

Mr. DURBIN. They have lost faith and they have stopped trying.

I would say to the Senator from Alaska, when I look at the State of Kentucky, here is Allen County with 13.9 percent unemployment; Bath County, 15.7 percent unemployment; Carroll County, 13.8 percent; Clay County, 13.3 percent unemployment; Cumberland County, 13.4 percent; Edmonson County, 14.3 percent; Elliott County, 13.0 percent; Estill County, 12.7 percent; Fleming County, 12.4 percent; Floyd County, 12.3 percent; Fulton County, 14 percent; Gallatin County, 13 percent; Garrard County, 12 percent; Grant County, 11.2 percent; Graves County, 10.6 percent; Grayson County, 16 percent—one of the highest; Green County, 12 percent; Hardin County, 10.1 percent; Harlan County, 12.5 percent; Jackson County—this is even higher—17.8 percent.

On this page, as I look through here, the highest in Kentucky appears to be—I may mispronounce this—Magoffin County, 21.4 percent unemployment in that one county; Marion County, 11.8 percent. The list goes on and on. McCreary County, 14.1 percent; Meade County, 14.3 percent; Menifee County, 17.5 percent; Metcalfe County, 14.4 percent; Morgan County, 15.1 percent; Powell County, 16.9 percent; Trigg County, 16.5 percent; Wolfe County, 15.6 percent.

The Senator from Alaska is right. The average does not tell the story. There will be pockets in Kentucky and Illinois and Alaska with much higher unemployment. So when we cut off the benefits because of the objection from the Senator from Kentucky, as of Sunday night some of these counties will be hit harder than others. There is no question about that.

Mr. BEGICH. I will ask if I can read something toward a question. As you drill down—that is what we are doing here a little bit, and your answer to my question is what I wanted to ask to make sure I was clear on that. It is not just the average that we should always be thinking about, but how do we drill down?

When I got back from my break, I received this e-mail. I am sure you have similar e-mails. That is going to be my question. What kind of responses have you gotten from those who are unemployed?

Here is one from my State:

... I implore you as your first order of business upon your return from the snow—

Which I thought was very interesting—

and recess to extend the emergency unemployment benefits through the end of 2010 that are due to expire on the 28th of Feb. Thank you.

He was thanking me in advance for something this gentleman believes we will do because it is right. This gentleman is 46 years old, a professional in the legal field. He had applied for over 30 different jobs. He has had two interviews. He is still unable to get a job. He is Jeff from Eagle River. I will not use his last name. He did not authorize me to do that. But just reading this letter tells me, why are we not doing this?

I am a new Member. Like the Senator from Oregon, I have been here a little over a year. I have the same question he had on, literally, the \$1 trillion that was unfunded, given to the richest of the rich. It has never been revoked or changed, but it was funded by whom? Not by this body but on the backs of people like my son who is 7½ years old, who will pay for the richest of the rich. I do not call it a tax cut; I call it a tax scheme. To me, that is outrageous when I think about it.

So I associate my comments with those of the Senator from Oregon. As a new Member, this is not necessarily new to me, but being here in the Chamber and watching this process over the last year and a half, this, to me, seems so simple. These are the people who are

hurting the most. Yet when it comes time to do a small item of a \$10 billion extension to allow them to make sure, come Monday, they know they can provide for their family, as this gentleman here who is 46 years old—it is just shocking to me and unbelievable.

I am assuming the Senator from Illinois receives these same kinds of letters every day from people who are stressed and concerned. And they are not out there looking for a handout; they are looking at someone in our position to assist them in this unbelievable recession we are facing. Is that similar to what the Senator receives?

Mr. DURBIN. It is exactly what I have run into. Here is a letter from a man from Yorkville, IL, who wrote me:

On bailout after bailout for businesses, my tax dollars have been used to save companies that should have planned better in the first place. Now I am unemployed—not because I made some poor decisions like AIG or Citigroup, but because in today's economy, the company I worked for folded. . . .

If the Senate cannot reach an agreement . . . to extend unemployment, myself, my wife, and our two young children will have nowhere to live other than our car. How about a bailout for those of us Americans that have worked all our lives and now cannot get a decent job?

I am begging you to stand up in front of the Senate . . . and demand that congress work harder for those of us who put all of you in office. The next time you need our votes, hopefully the 10% of unemployed Americans will not have had their cars repossessed so that we may make it to our local polling places.

Well, he kept a sense of humor in his misfortune. But this is an example of a man who thought he had a good job and a good future who now is contemplating living in his car. And now we are saying, because of the objection of one Senator, that we are not going to provide unemployment benefits to thousands of people in similar situations as of Sunday night. Why we are doing this to these poor people at this moment in time is impossible to explain.

Mr. BEGICH. I thank the Senator. I have other questions, but I know there are others who are standing to ask questions. But I have a question on the small business fund and the Medicare component, which are vitally important to keep our economy moving. I will withhold and ask those questions in a few minutes.

Mr. DURBIN. I yield to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. I thank the Senator. I very much appreciate the Senator from Illinois yielding for a question. If the Senator would not mind a series of questions, the first question has to do with, I guess I would say the sense with which we on this side of the aisle should receive the protestations of intense concern about the deficit that come from the other side of the aisle, and it relates back to when the previous Republican administration first took office.

As the Senator from Illinois mentioned, the last Democratic administration left an annual budget in surplus and a nation that had a \$5 trillion

debt. But my recollection is that in addition to a nation in annual budget surplus, what President Clinton also left the Republican administration that followed was a budget trajectory projected by the nonpartisan professional Congressional Budget Office to eliminate the national debt of the United States of America. We would be a debt-free nation if the Democratic policies of President Clinton had been followed according to the nonpartisan, professional Congressional Budget Office. If I additionally recall, there were actually economic debates that were provoked by that, wondering whether it was actually a good idea for the Nation to be, for the first time since President Andrew Jackson, debt free.

So my question is, Is it not true that more than just an annual budget surplus was left to the Republicans by the Democrats last time, but what was left to them also was a budget trajectory that would have made this Nation debt free during President Bush's term had he extended those Democratic policies?

Mr. DURBIN. The Senator from Rhode Island is correct. The Senator from Kentucky has talked about the Nation's deficit and debt, and he should realize that when President Clinton left office in January of 2001, the national budget was in better shape than it had been in a generation.

In fiscal year 2000, the final year in which President Clinton had full responsibility for the national budget, our Nation's budget surplus was \$236 billion—budget surplus. That year, the debt held by the public declined for the third consecutive year. As President Clinton left office, budget surpluses were projected to continue throughout the next 10 years. CBO, in its January 2001 budget outlook, projected surpluses of \$5 trillion for 2001 through 2010, including nearly \$800 billion in 2010 alone. Those surpluses were so large, as the Senator from Rhode Island indicated, that the Congressional Budget Office told us the debt held by the public would be entirely paid off by 2006.

Fast forward 8 years, at the end of George W. Bush's Presidency, that administration, and the national debt had climbed from \$5 trillion that he inherited to more than double that amount.

Mr. WHITEHOUSE. The question I was asking is, Is it not fair to ascribe to that Republican administration and its policies the responsibility for more than just the difference between \$5 trillion and \$12 trillion? Because if those policies hadn't changed, according to the nonpartisan, neutral, professional Congressional Budget Office, during the term of President Bush, we would have actually been a debt-free nation and, therefore, responsibility for the entire Federal debt that was inherited by President Obama could fairly be said to be the responsibility of the policies from the other side of the aisle.

Mr. DURBIN. The Senator from Rhode Island is correct.

I don't know how the Senator from Kentucky voted when it came to the tax cuts for the wealthy. I don't know, so I can't presume to state it on the floor. I don't know if he voted for the annual budgets to prolong the wars in Iraq and Afghanistan without paying for them. I don't know how he voted on the Medicare prescription drug benefit that was not paid for, at least the \$400 billion cost. I will acknowledge he was correct that the unemployment I referred to in November was paid for. I want that clear on the RECORD and I stand corrected and acknowledge it to the Senator from Kentucky. But I would say that his—

Mr. BUNNING. Will the Senator from Illinois yield?

Mr. DURBIN. I will yield after one more question from the Senator from Rhode Island. But I would say, when it came to his party position, tonight we hear this idea of fiscal conservatism, strict spending, punish those who are unemployed, take money away from those who have been out of work in order to bring down this budget deficit. But for 8 years, under President George W. Bush, we certainly didn't hear this sentiment expressed when it came to people who were so well off across our country.

I yield to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. In evaluating this concern about the deficit, we have just determined that the policies of the other side of the aisle contributed to virtually all the national debt we have inherited. Then let's look to the situation now because I think we understand we have to fix this deficit problem.

The distinguished Senator from Illinois earlier mentioned a vehicle for trying to do this, which was the establishment of a statutory deficit commission. My recollection is, the votes were inadequate for that, in significant part because on the Republican side of the aisle, seven of our colleagues whose names were on that plan as cosponsors of it voted against the bill that they had cosponsored for a mechanism that would potentially, at least, have provided a vehicle for resolving some of our deficit concerns.

My question is, Is that also the recollection of the Senator from Illinois? And how, in the light of this debate about the budget deficit and the fact that the budget deficit is so important, it is worth forcing honest, hard-working—when they can find work—Americans into their cars to sleep, as the Senator from Illinois has said, out of their homes, into penury. Why is it not important enough for our friends on the other side to support legislation of which they were cosponsors, and what was the motivation for that?

Mr. DURBIN. I would say in response to the Senator, for those who have not been following the debate from the beginning, tonight we are speaking to the fact that the Senator from Kentucky, Mr. BUNNING, is objecting to extending

unemployment benefits for 30 days in the United States to those who are out of work and extending COBRA benefits which help to pay for health insurance for 30 days, in addition to several other items, and has stated his reason is because of his concern about the budget deficit.

I don't know how the Senator from Kentucky voted on this commission, but I do remember it well because Senator KENT CONRAD, the chairman of the Senate Budget Committee, came to me and said he had worked out an agreement with Senator JUDD GREGG, a Republican, that they would try to create a commission which would take a look at our national deficit and make recommendations to Congress which we would then have to vote on. It was controversial, that is for sure.

When it was called for a vote, it ended up with, I believe, 53 votes and fell short of passage because 7 Republican Senators who had cosponsored the measure initially voted against it, cosponsors who voted against it, and it included the Republican minority leader. Their determination to deal with the deficit and the debt withered away and disappeared when they had a chance to vote for it on the floor. I don't know how the Senator from Kentucky voted.

So here is a chance for the Republicans to join the Democrats to deal with the deficit and debt, and they walked away. Seven of them turned their back on a bill they had cosponsored and walked away from it.

Mr. WHITEHOUSE. Mr. President, with the indulgence of the Senator from Kentucky, if I may ask my final question. If we have established that it was the Bush administration and Republican policies that created virtually all the national debt we now carry, and if we have established that when the mechanism that many believe would be the best vehicle to address the deficit was abandoned by our friends on the other side in significant measure, even those who had cosponsored it, thus preventing it from passing, what am I supposed to tell Carol Thomasian from North Providence? She is unemployed. She is a Rhode Islander. She has worked hard all her life. She went to work first as a teenager. She eventually got married. She started a family. She got a college degree to increase her earning potential. She bought a home. Her family lived in the home. She did everything right, pursuing the American dream.

Two years ago, when the Rhode Island economy collapsed—and it collapsed in Rhode Island sooner than in other States; we have been in a recession for a long time now—she was laid off from her job as a construction project manager, and she hasn't been able to find work since. She is struggling to keep her family together. She is a single mom now. She is raising a 12-year-old son and a 15-year-old daughter. She has all those responsibilities of teenager parenting. She is also

trying to care for her disabled mother. She has a bachelor's degree in business administration. She has an associate's degree in architecture. She is a capable, trained, hard-working woman. Because she is out of work, her car has been repossessed, making it so much more difficult to try to find work, and it is unemployment insurance that is keeping her family together. This will cut 309 Rhode Islanders in our small State right off, in another few months it will cut up to 1,500 people right off.

How am I supposed to explain to them this principle that they need to suffer because of our budget deficit, with a party that is forcing that suffering on them and that did more to run up our national deficit than ever and that has obstructed the vehicle that would have started the work to fix the deficit and is absolutely silent about the deficit when millionaires and multimillionaires and billionaires are given tax breaks? How can I explain that? What do I tell her?

Mr. DURBIN. I would say to the Senator from Rhode Island, there is no explanation because it doesn't make sense. You certainly couldn't explain to this woman who has worked so hard throughout her entire life and now faces this misfortune that we are heaping additional misfortune on her because of this objection to extending unemployment benefits. In the State of Rhode Island—I know it is small in comparison to so many others—the Senator from Rhode Island is likely to meet some of these 309 people or hear from them when their unemployment benefits are cut off. I am sure my office will hear too. I will not know how to explain to them that the Senator from Kentucky has objected to a 30-day extension of unemployment benefits. If we are going to fight this war on the deficit and debt, why fight it on the backs of unemployed people such as the one we have just heard described in the State of Rhode Island?

Mr. BUNNING. Would the Senator from Illinois give me a chance to respond? You have had the floor for an hour and a half.

Mr. DURBIN. I would be happy to yield for a question from the Senator.

Mr. BUNNING. A question. OK. If all the things that have been said on the other side are true, all of the programs you have talked about could have been extended and for much longer periods if Senator REID, your leader, had not blown up the bipartisan jobs bill agreed to by the chairman of the Finance Committee and the ranking member, Senator BAUCUS and Senator GRASSLEY, and jammed through his own bill which we talked about; and all the spending forces of that compromise, of those programs that you are talking about, were paid for in that bill. Explain that to the American people.

Mr. DURBIN. I would be happy to. The Senator from Kentucky has not stated it 100 percent accurately.

Mr. BUNNING. Oh, he has.

Mr. DURBIN. Because in the original proposal from the Finance Committee,

the unemployment benefits were extended for 3 months, as I understand it. The tax extenders—

Mr. BUNNING. They were paid for.

Mr. DURBIN. Let me explain. There was a source of revenue for the bill, but it wasn't enough to pay for the entire bill. The source of revenue was enough for those who wanted to say: Well, this will pay for unemployment, to point to it; and those who wanted to say: No, it pays for another part of the bill. So it did not pay for the entire bill.

Mr. BUNNING. That is your interpretation.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. I yielded for a question and I answered the question, but I will yield for another question.

Mr. BUNNING. It has been brought up during this debate that the balanced budget amendment and the balanced budget is a product of the Clinton administration. The Senator from Illinois knows that to be false.

Mr. DURBIN. No, I don't know that to be false.

Mr. BUNNING. Well, do you know anything about how the balanced budget bill was brought to the floor of the House of Representatives?

Mr. DURBIN. I would say to the Senator from Kentucky I was serving in the Senate.

Mr. BUNNING. I was serving.

Mr. DURBIN. I will tell my colleague what has been said on the floor and which I stand behind; that is, the fact that when President William Clinton left office, he left a budget in balance and in surplus.

Mr. BUNNING. Yes.

Mr. DURBIN. I yield for a further question.

Mr. BUNNING. That is only because Representative John Kasich and the Budget Committee that he chaired in the House, for 3 years in a row, brought a balanced budget bill to the floor of the U.S. House of Representatives. I was a member of that Budget Committee.

The first 2 years, the Clinton administration rejected the balanced budget bill. In the third year, instead of getting run over by the train, President William Jefferson Clinton got on the train and agreed that the balanced budget bill should be passed. Then the Senate concurred and we balanced the budget. It took a little bit, but we did it. That is where the surplus came from—a Republican's idea, John Kasich, of Ohio, who brought a balanced budget to the floor.

Mr. DURBIN. If that is a question—

Mr. BUNNING. The questions I have are—I wanted to straighten out my good friend from Rhode Island.

Mr. DURBIN. If that was a question, it is clear that there was bipartisan ship, and we can use a little bit more of that around here.

Mr. BUNNING. Even the fact that our President—somebody who talked about extending tax cuts to the wealthy and talked about extending

tax cuts, and the fact that nobody on the floor of this Senate—explain to me, with 60 Democrats and 40 Republicans, why someone on the Democratic side of the aisle didn't make a bill that would rescind those tax cuts? Your President—our President—wants to extend 85 percent of those same tax cuts without paying for them. He has a bill in his budget to do just that. Explain that. I have one more. Your President also wants to pass a \$250 billion estate tax bill, also without paying for it. That is right. Well, it is right. Look it up. I am on the Budget Committee, so I see these bills. Is the Senator on the Budget Committee?

Mr. DURBIN. No, I am not. I yield further for a question.

Mr. BUNNING. The Senator in the chair is, so he knows what has been proposed.

Mr. DURBIN. I yield for the purpose of a question.

Mr. BUNNING. The question I asked about the 60/40, I didn't hear anybody answer that. The Senator from Oregon is gone. He was the guy who posed the question.

Mr. DURBIN. In response to the Senator from Kentucky, this is a great debate. I think we ought to continue it. But can we remove from the audience the millions of Americans who will not have unemployment checks as of Sunday night because of the Senator's interest in this issue? When you think about this, we ought to be engaged in this, and you and I ought to stay up late to talk it over and talk about what we should do. But why are we leaving these unemployed people in Kentucky and in Illinois in the middle of this debate? These people have nothing to do with what happened with John Kasich, of Columbus, OH, or what happened with President William Jefferson Clinton. They are trying to provide food for their families in the morning. Instead, we have dragged them into the middle of this deficit and debt debate.

For those who have just tuned into this conversation, the Senator from Kentucky has objected to extending unemployment benefits for 30 days, and COBRA benefits, which pay for health insurance for the unemployed for 30 days.

Because of his objection—he is the only Senator to object—I will find 15,000 people in my State of Illinois, as of Sunday night, losing their unemployment benefits. If you wonder why I am still on the floor at 10:20 p.m. in Washington, on Thursday night, after a pretty long day, it is because I thought to myself: How in the world can I walk away from this Chamber, go home and relax, realizing that 15,000 people, come Sunday night, in Illinois are going to get cut off from unemployment benefits?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, we have been talking about whether tax cuts were paid for. Let's talk about

other things that weren't paid for. That is what this is about. As the Senator knows—in fact, I know the Senator from Illinois gets irritated at me sometimes because I am constantly trying to figure out ways that we can be more fiscally responsible around here. Sometimes I swim upstream on some of those things. I was one of the cosponsors of pay-go. In fact, pay-go was in place in the 1990s, and it was allowed to expire in Congress. It was 2000, or 2001, or 2002, in the early years of the Bush administration, when the Republicans had the majority. They let it go. They said they didn't need pay-go anymore. This is probably the most glaring example, and it gets in my craw, because I now hear so much about fiscal responsibility, and as we struggle with this health care bill, making sure that we pay for it, I look back at Medicare Part D. Now that is a lallapalooza right there, Medicare D.

I am wondering if the Senator from Illinois remembers what the vote was on the motion to waive the Budget Act on Medicare D.

Mr. DURBIN. I do not.

Mrs. MCCASKILL. Well, it is interesting. It was a big majority to waive the Budget Act. I have the vote here. There were 61 votes to waive the Budget Act, including our friend from Kentucky. I think the CBO score on that was around \$450 billion, as I recall.

Mr. DURBIN. That is correct.

Mrs. MCCASKILL. Not a dime of it paid for—not one dime. It is all on the credit card, one big blob of red ink.

Is the Senator aware how many of our friends on the other side of the aisle have new religion—this is new religion about balancing the budget—and how many actually voted for Medicare D? It was a brandnew entitlement program, a massive government entitlement program, a government-run health care-related government program, and not one dime was paid for? Do you know how many on the other side, who are still serving today, voted for this new entitlement program?

Mr. DURBIN. No, I do not.

Mrs. MCCASKILL. It was 24. Do you know who the Senators were who voted for this massive, government-run entitlement program that added hundreds and billions of dollars to our debt—not tax cuts? We can argue about whether tax cuts create jobs. Clearly, those didn't because we inherited a big mess in terms of job creation. But do you know who the Senators serving on that side are who now want to preach about fiscal responsibility and pay for programs—how many were willing to put that kind of program on the credit card? They were Senators ALEXANDER, BENNETT, BOND, BROWNBACK, BUNNING, CHAMBLISS, COCHRAN, COLLINS, CORNYN, CRAPO, ENZI, GRASSLEY, HATCH, HUTCHISON, INHOFE, KYL, LUGAR, MCCONNELL, MURKOWSKI, ROBERTS, SESSIONS, SHELBY, SNOWE, and VOINOVICH.

All of it was a massive government entitlement program run out of Wash-

ington—big government, big bill, not paid for, and there was not one word about it needing to be paid for. And we fast forward to now. That is a big part of our deficit. We now figured out on Medicare D that we transferred a bunch of taxpayer money straight to the bottom line profits of the pharmaceutical companies. I wasn't here then, but maybe the Senator can enlighten me. My recollection is that the biggest people in favor of Medicare D were pharma.

Mr. DURBIN. The Senator is correct. It was their belief that they would make a lot of money.

Mrs. MCCASKILL. They have made a fortune on the backs of taxpayers.

Mr. DURBIN. Those of us who supported some kind of competitive bidding and government buying in bulk to reduce costs were defeated because pharma objected.

Mrs. MCCASKILL. In that bill, they even outlawed the ability of the government to negotiate for lower prices based on volume. Those are “good business practices”—make sure we cannot get a good deal based on how many drugs we are going to buy. We cannot even lower the cost of this massive government entitlement program by negotiating for lower prices based on volume. They outlawed that.

Mr. DURBIN. This cost over \$400 billion, and many Republican Senators, including the Senator who has objected to unemployment benefits for millions of people in America who are out of work, voted for this program that was unpaid for. Now they tell us we cannot extend unemployment benefits to people in Kentucky and Illinois and Missouri because we have not paid for them. Clearly, it is a double standard.

I might add that when it came to the estate tax, aka the “death tax,” according to some, on June 7, 2006, the Senator from Kentucky took the floor and said:

Mr. President, I rise today in strong favor of abolishing one of the most unjustified taxes we have in America today, the death tax. Americans should not have to talk to their undertaker and their tax man on the same day. Small businesses and family farms should not be forced to close down in order to pay the government money because a loved one has passed away.

Then when the Death Tax Repeal Permanency Act was called for a vote, the Senator from Kentucky voted to repeal this tax, costing the government \$300 billion; that is over \$300 billion added to our national debt. This tax affects less than one-half of 1 percent of all the people in America, the wealthiest people in our country. To provide \$300 billion in tax relief to them—the Senator from Kentucky said we can add that to the deficit and that is OK. But when it comes to providing a \$1,100 monthly unemployment check to someone in Illinois who is struggling to find a job, he says no, that adds to the deficit. So for the wealthiest in America on the estate tax, there is no accountability, no reckoning, but for the poorest in America, the most strug-

gling families in America, we are going to hold them to the hardest economic standard. To me, that is at least inconsistent, if not inexplicable.

Mr. BUNNING. Will the Senator yield?

Mr. DURBIN. I have yielded to the Senator from Missouri for a question.

Mrs. MCCASKILL. I have a couple more questions. I wasn't here when the major tax cuts went through in the Republican Congress with President Bush—the tax cuts that were supposed to bring about great prosperity and job creation in our country. Of course, they didn't. We have had record job losses. As President Bush left office, my recollection is that we were having between 600,000 and 700,000 job losses every month. Clearly, the plan that these tax cuts would be a time of wine and roses for all didn't work out. My recollection is that that tax cut was done by reconciliation, wasn't it?

Mr. DURBIN. I would have to check my notes.

Mrs. MCCASKILL. I think it was. Reconciliation only lasts for so long and then they sunset. I think that was one of those things where a massive amount of government liability was incurred through reconciliation at that time.

Let me also ask a couple questions about the stimulus. I know the Senator from Kentucky was offered a chance to have an amendment paid for by the stimulus. I don't think that we have talked enough about what is left of the stimulus money and what it is for. It is my understanding—and correct me if I am wrong—that a big chunk of the stimulus that is left is in fact the tax cuts for working families. In fact, the tax cuts were a 2-year period. So, of course, that was about one-third of the money, and only half of that has been paid out because we have only been through a year of the stimulus. We still have money waiting to go out in the form of tax cuts to 95 percent of America—in fact, the exact opposite folks who got the tax cuts under George Bush.

Is that my understanding about what is remaining in the Treasury as it relates to stimulus?

Mr. DURBIN. I believe the Senator from Missouri is correct. It is interesting that those who are critical of the stimulus, the Recovery and Reinvestment Act, on the Republican side virtually never acknowledge the fact that one-third of that whole package is tax cuts, which is the Holy Grail on the Republican side of the aisle—tax cuts for working families.

Mrs. MCCASKILL. Tax cuts for working folks.

Mr. DURBIN. Working families.

Mrs. MCCASKILL. These are working folks. They are not—frankly, my family is very blessed. The tax cuts that were passed helped my family. It didn't help some of the families out there now struggling with unemployment.

The rest of the stimulus that is out there—I have been interested in Missouri. In fact, I wrote a letter to the

budget chairs in Missouri because they were kind of puffing up about how they were going to be able to balance the budget this year. I looked into it and realized that the only way they were balancing the budget this year was because of the stimulus money. It is, in fact, the stimulus money that has gone to Kentucky, gone to Illinois, gone to Missouri, gone to Oregon, gone to Alaska, and gone to Rhode Island. That is what is allowing these State legislatures to keep from making massive layoffs of public school teachers. There would be massive cuts in education in Missouri this year, and, frankly, no cuts in public education would be popular in Missouri.

I asked the Missouri legislators. I said: Some of you have been talking about doing away with the stimulus, pulling back the stimulus. In fact, some of our friends across the aisle said we should get rid of the rest of the stimulus. I asked the State legislators: What will you cut if we pull the stimulus? Tell me how Missourians will be hurt if we decide to pull the rest of the stimulus and maybe spend it on other things, such as perhaps this emergency bill dealing with unemployment insurance. They would not tell me. They want the people of Missouri to think they are balancing that budget with fairy dust. They don't want the people of Missouri to know that, in fact, the stimulus is what is out there helping these States balance these budgets because their revenue has dropped off the charts, just like our revenue has, which is causing some of the deficit and which is certainly contributing in a great way to the debt as it relates to a drop in revenue, an increase in unemployment expenses, and then the programs that have been passed in the previous administration not paid for.

I have 20,000 Missourians—20,000—who are going to find out sometime in the next 48 hours that they are done with unemployment. I cannot help but believe that if we have this kind of crisis at the other end of the income scale, that all of a sudden we would not have this newfound religion that this is the moment, this is the hour, this is the day that we are going to find new religion about deficits. It is the wrong time.

I am a cosponsor of pay-go. I am a cosponsor of the fiscal commission. I don't take earmarks. I voted against the omnibus. I voted against many budget bills because I think there was too much fat in them. I voted against a lot of fiscal measures in this body. But this is not the time to do this on the backs of these families. It is the wrong time.

Mr. DURBIN. Mr. President, I thank the Senator from Missouri and for those who are following this debate.

Mr. BUNNING. You said you would yield to me.

Mr. DURBIN. I know. For those who are following this debate, we have asked to extend unemployment benefits for those out of work in America

for 30 days and to extend COBRA benefits which helps them to pay for their health insurance for 30 days. It passed the House of Representatives. We were prepared to pass it this week so that when the benefits expire for many people on Sunday night, they would continue.

One Senator from Kentucky, Senator BUNNING, who is on the Senate floor, objected. As a consequence, we have taken to the floor to make certain that the people who are following this debate understand the gravity of this decision. It is not a casual decision. It is a decision made by one Senator that will literally affect the lives of a lot of people.

I give an example of Stan Lipowski who lives in Rockford, IL, as I mentioned earlier an area hard hit. Stan is pretty nervous. He is 60 years old. He lives in Loves Park near Rockford. He lost his job in June and relies on his unemployment check to keep his household afloat. This is from the Rockford newspaper where he is quoted as saying:

It's not sufficient, but without it, I'd be in real trouble. I'm already borrowing against my house to put my daughter through college.

He is living on his unemployment check, and the objection of the Senator from Kentucky is going to cut off the checks for people just like him. I cannot understand why we would do this. I am going to renew my unanimous consent request.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire Sunday, February 28, unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER (Mr. SANDERS). Is there objection?

Mr. BUNNING. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. There are so many things that I would like to say in response to so many Senators. Before I do that, I want to straighten a few things out. First of all, the prescription drug Part D—I want to help out my good friend from Missouri and my good friend from Rhode Island. I want them to know that the \$400 billion that was spent has not been spent. Just for their information. And the Democratic alternative proposed by Representative PETE STARK on the Ways and Means Committee in the House of Representatives cost over \$1 trillion to fund. That was the alternative to the Republican \$400 billion.

I know the Senator from Missouri was not here. She probably doesn't

know Representative STARK. I served with him for 8 years on the Ways and Means Committee. The same thing goes. If you don't like Part D of Medicare, you have 59 Senators and you can repeal it anytime you want, or at least try to, if you think it is misspent money.

Somebody complained about HHS negotiating drug prices. Our own scorekeeper, CBO, said we would have—I was on the committee—we would have no savings if they negotiated directly with the drug companies. Those profits that my good friend from Illinois talked about are not profits that go to the drug companies because any of the Medicare facilities we use, whether it be a hospital or a doctor or Medicare Part B or Part A or Part D—all of those moneys go to doctors, hospitals, and people who get prescription drugs to pay for those prescription drugs.

You have to look at the benefits and see if they outweigh the complaints.

I object.

Mr. DURBIN. I ask for the regular order.

Mr. BUNNING. I object and would like to make a unanimous consent—

Mr. DURBIN. Regular order.

The PRESIDING OFFICER. The Senator asked for the regular order. Is there objection to his request?

Mr. BUNNING. No.

The PRESIDING OFFICER. He said he did not object.

The Senator from Illinois.

Mr. DURBIN. As I understand it, the unanimous consent request is agreed to?

Mr. BUNNING. I object.

The PRESIDING OFFICER. The Senator from Kentucky objects?

Mr. BUNNING. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thought maybe we had gotten through to the Senator from Kentucky.

It is interesting, he wants to talk about everything except the unemployed people affected by his objection. I say to the Senator from Kentucky, we can relitigate all you want. The fact is, the Medicare prescription drug program, which costs \$400 billion over a 10-year period of time, is not paid for and you voted for it. So when it comes to deficit reduction, you pick and choose those issues that you will spend money on. Tonight you are making it clear that you will not spend money to help unemployed people—people across Kentucky and across Illinois.

Some of these stories I received from my State I am sure you received from your State. Here is one from a woman in Bullhead City, IL:

My husband and I are in our fifties and lost our jobs in 2008. I knew immediately we were in trouble so we took our savings and moved to a state park where rent is \$400 a month, including utilities.

They were living in a camper.

My husband has gotten sick and not been able to see a doctor as we have no medical insurance, our unemployment benefits ran

out in August and we have no income. The \$400 rent that seemed so cheap a year ago is now a struggle to pay. To keep our phone and Internet on is a struggle, yet imperative—

Because that is the way they look for jobs.

Neither of us has ever been without until now. I have found that it is more and more difficult and our spirits are at an all-time low. I write this with tears in my eyes, not so much for myself but for the thousands who are facing these difficult times alone. I could not do it alone.

When my husband left the house this morning to look for work, I slipped a baggie of Life cereal in his pocket so he would not go hungry. We had no milk . . . too early to offer ramen noodles or macaroni and cheese.

I've always been proud to be American and of this great country, yet I can't seem to hold my head up these days. I barely have enough money left to make it. . . . I wait and pray for an extension [of unemployment benefits] to buy us more time.

I implore the Republicans to quit dangling carrots in our faces and do the right thing.

That is what this is about, Senator BUNNING. This woman and people like her all across America who will be turned down for unemployment benefits because of your objection. Why are we doing this to these people, whether they live in Tennessee, Kentucky, or any other State? We are a caring people, and I know the Senator from Tennessee feels that way. I do too.

Mr. BEGICH. Will the Senator yield?

Mr. DURBIN. I will be happy to yield for a question from the Senator from Alaska.

Mr. BEGICH. I know we talked about unemployment which is a significant piece of this bill. I also want to point out there are other pieces. I want to make sure I am correct. Maybe the Senator could clarify this.

I know he mentioned in the very early hours when we started this discussion that there were issues that deal with small business, seniors, and it has two other major components.

Is it correct that this bill also deals with seniors and small businesses?

Mr. DURBIN. Yes, it is correct.

Mr. BEGICH. I appreciate the Senator's constant reminder that this debate is about real people. I don't know what the debates were in years past. I was not here, as Senator MCCASKILL and Senator MERKLEY mentioned. I was not here. People read and watch what is going on. They see right through what is going on: The wealthiest of the wealthiest get the privileges of this body, and people working every single day and those now unemployed ask for a little bit of help to make sure they can make it through these tough times, and the other side of the aisle turns their back on them.

You used the example of seniors. In Alaska, the Medicare reimbursement rate is critical. We are one of the highest cost States. We have less doctors today than yesterday, the year before and the year before. We have very few. I met with our clinics today. I think it is down to one in Anchorage that accepts new Medicare patients. Now we

say we are not going to make sure these reimbursement rates are the right rate. So now we will have more doctors not serving our seniors. It is not only about the unemployed. They are about to throw seniors over the cliff, at least in my State.

Does this bill deal with seniors and making sure the reimbursement rate is the right rate so doctors can perform the services these seniors need?

Mr. DURBIN. I would say to the Senator from Alaska that is correct. According to the 2009 Medicare Trustees Report, on January 1, 2010, physicians were expected to face an across-the-board cut of 21½ percent. By 2014, the cuts to physicians treating Medicare patients would be 40 percent. We have averted these cuts with short-term extensions, because at those reimbursement levels many doctors would stop treating Medicare patients.

Mr. BEGICH. I know in my state the answer is: They will. This is a significant problem even at the 21-percent rate of reimbursement. So not only do we have the unemployed now, whom the other side seems to have a problem with, yet when it comes to the richest of the rich, they have no problem dealing with them, taking care of them unfunded.

The pharmaceuticals—I know this debate a little bit. I know how the talk I just heard from the Senator from Kentucky sure did go around and around, but the bottom line was the pharmaceutical companies got those monies, made extensive profits, and on the backs of taxpayers. But now it is time to help our seniors, make sure they get basic care, and they are going to be thrown over. It is amazing to me, when I look at this bill—I thought it was simple. Maybe I am naive, being a new Member here, but these are simple things. The crisis in this country is the biggest recession since the Great Depression. Yet when it comes time to giving a little bit of assistance to make sure we can move through this tough time, we are not willing to assist the unemployed. Yet the richest of the rich get taken care of.

I want to ask one question about that so-called bipartisan bill that was mentioned earlier. I know earlier there was discussion, and I hope I can ask this question. The "bipartisan" bill that was talked about earlier, I know I flipped through the multiple pages of the index and saw all these extenders for businesses, and, if I remember this right—correct me if I am wrong—the unemployed had a very short extension but all these businesses got the long extensions for their tax benefits.

Again, it is a question of who do we support here and who do we help? Am I mistaken that so-called bipartisan bill—that really wasn't bipartisan and which had a lot of issues with it—am I correct there was some imbalance there that people were concerned about?

Mr. DURBIN. I think the Senator from Alaska is correct.

Mr. BEGICH. The other piece I want to talk about, and I will end on this because I know the Senator from Oregon has a question or two, and it is one of the things I heard over and over again, and that is why I think the way this is being approached is very simple: Here it is, don't cloud it with a lot of other junk. The public has spoken, and they want transparency. They want it clean, they want it simple, and they want to understand what it is talking about, without this whole business of jamming in things left and right. Here, this is simple: Unemployment for the unemployed, taking care of our seniors.

I am on Alaska time, so this is early for me. I have plenty of time. When it is midnight here, it is 8 o'clock in Alaska, so I have plenty of time here. But when I think about these issues of seniors and the unemployed that the other side doesn't want to help, it seems the next issue—and I will wait my time here and ask about it—is small businesses—the people who are the backbone of this country—trying to help those unemployed become employed. That is another piece of this bill. Is that correct, that small business is another piece?

Mr. DURBIN. It is. The SBA programs, which would provide credit for small businesses—we were looking for a simple 30-day extension so these programs would be available. This objection has stopped that 30-day extension and it is going to close down some of those programs, as of Monday, that would be available to small businesses across the Nation.

Mr. BEGICH. Small businesses that were probably in the process of pursuing their dreams and hopes in this recession of creating a new opportunity to help those unemployed and others to build our economy. In Alaska, 52 percent of our employment is small business. They are the backbone of this country. They were kind of left out last year. This is an effort to continue to help them. Is that a fair statement?

Mr. DURBIN. The Senator from Alaska is correct.

I want to make it clear for the record, because the Senator from Tennessee came and asked me why we didn't offer to the Senator from Kentucky an opportunity to have an amendment to pay for these unemployment benefits out of the stimulus package, that was offered to him. He said, no, he didn't want to have an amendment offered on the floor because he wasn't sure he could pass the amendment. So he was offered the same chance that every Senator has had to take his idea before the Senate and to get a majority vote. That is not an unreasonable thing. That is how the Senate works.

I would also say to the Senator from Kentucky that if he believes we have surplus funds in the stimulus or Reinvestment and Recovery Act that can be spent on unemployment and the like, I am afraid he is wrong. It is important to note that of the \$166 billion in funds

remaining to be obligated, almost every dollar has already been spoken for, even if not yet obligated. So if he thinks the money that has not gone out the door of the stimulus act is not spoken for, it is not true. It is spoken for. That would have been part of the argument when his amendment could have come to the floor, an amendment which he did not care to offer.

I would tell him there are two projects in his State that will be affected if he cuts the balances in this. And I know he may not care, but some may. It is a Milton-Madison bridge replacement—Milton, KY, to Madison, IN—asked for by the Kentucky transportation cabinet. The total cost is \$131 million; TIGER funding, \$21 million—a vital link, I am told, between two towns. If the bridge is taken out of service, the resulting detours will create resulting hardships for residents on both sides of the river.

There is also another project under this Recovery and Reinvestment, which I know you voted against, but it is the Appalachian Regional Short-Line Rail Project; the location, Kentucky, West Virginia and Tennessee, and the TIGER funding there is \$17 million. The fact is many people believe these will create jobs in Kentucky and put people to work. They have been spoken for and obligated. If that money were taken out of the stimulus package, it may affect that project or some other project. But the fact is the money is not just sitting in the stimulus fund waiting to gather dust or interest; it is money that has been spoken for to put people to work in Kentucky and Illinois and all across America.

The fact is the Senator from Tennessee came and asked me why didn't we offer the Senator from Kentucky a chance to offer his amendment. We did. And if he had taken that opportunity, he might have won, he might have lost, but he would have had his day on the floor of the Senate, which is all any of us can ask for—an up-or-down vote. Instead, he said: If you don't pay out of the stimulus, no one is going to get unemployment benefits, and that is, I believe, an unreasonable position, and that is why we have taken to the floor this evening.

Mr. CORKER. Will the Senator yield?

Mr. DURBIN. I will yield to the Senator for the purpose of a question.

Mr. CORKER. Mr. President, I have been working in an unusual way across the aisle on an issue that I think is important in this body for the last 2 weeks, and I had planned to spend all day tomorrow, Saturday, Sunday, and Monday—whatever it takes—to get a bill that I think is important to this country and important to this body. It is 10 till 11, 5 till 11. And whether you agree or disagree with the Senator from Kentucky, I am here because I think this is a broadside. The fact is that we here in the Senate give each other notice.

I understand the frustration with my friends on the other side of the aisle. I talk to many of you after the lunches

that take place. I know there is a lot of frustration. I understand the concerns of the people on my side of the aisle, especially after we just voted for a pay-for. And my guess is everybody on the other side of the aisle who is here tonight voted for it. Yet we are continuing to pass bills that are not paid for.

I am not going to debate the merits. I know you can talk about taxes for the rich, tax reductions, and all that. The fact is, you did not give the Senator from Kentucky notice this was going to occur.

Mr. DURBIN. If that is a question, I would like to respond to it. If that is a question, it is incorrect, and I want the record to be clear.

Mr. CORKER. Let me just say this—

Mr. DURBIN. I am sorry, that is not correct.

Mr. CORKER. If I can just finish.

Mr. DURBIN. Regular order. I have the floor.

Mr. CORKER. If I could just—

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. CORKER. This also is not comity.

Mr. DURBIN. I will yield for a question after I respond to the Senator from Tennessee, and what I would say is the Senator is incorrect. After the Senator from Kentucky objected this evening, the Republican side was notified that I was going to come to the floor and renew this unanimous consent request. The Senator from Kentucky knew it. He was notified in advance. We then had three subsequent rollcall votes and a unanimous consent request, and then I came to the floor. So the Senator from Tennessee is not correct. He was given prior notice.

I would be happy to yield further for a question.

Mr. CORKER. I appreciate the explanation. I believe we are stooping to a low level.

Mr. DURBIN. I am sorry, I did not hear the Senator.

Mr. CORKER. I believe we are stooping to a low level. The Senator from Kentucky and I agree on a lot and we disagree on a lot, and I am not here at this moment to debate the merits of either side. What I am saying is this is not the way the Senate functions.

Everybody in the country now knows that the Senator from Kentucky has a hold on this bill. That is something that is honored. Not a hold on the bill, but he is objecting to unanimous consent, and that is something that we honor in this body. If the attempt made tonight is going to be to keep a man 20 years my senior here, without the knowledge that this was going to happen—obviously other people had this knowledge—you can see that nobody on our side did.

I was getting ready to go to bed, get up in the morning, resume my talks with Senator DODD—which regardless of what you all do tonight I am going to continue because I think our country has serious problems that need to be dealt with—but this, in my opinion, is beneath the Senate. And while I

might be weary, I will stay here the entire night to defend the Senate and defend the fact that the Senator from Kentucky did not know this was going to happen.

I am tired. I have been working hard for a long time on a bill that I think is important. I would rather go to bed and be fresh and deal with the issues that need to be dealt with for this country, but I will stay here all night because this is not the way the Senate functions.

I am disappointed. I know that we have a lot between us, but I have felt actually, recently, that we were beginning to sort of make things click. I have seen people stepping out and doing things that I feel are the right things to do on behalf of the country, and I have talked to my good friend, the Presiding Officer tonight, about those kinds of things. I have a lot of friends on both sides of the aisle. But this is not the way the Senate functions.

Mr. DURBIN. I did yield for a question, and I don't believe the Senator has a question, but I respect him and respect his point of view.

Mr. CORKER. My question is: Is this the way the Senate functions? And I am asking someone who I respect right now.

Mr. DURBIN. I said to the Senator that we gave notice to the Senator from Kentucky, after he had made his objection. So this was not a sneak attack. As soon as he made his objection, we notified the Republican side of the aisle of what I was going to do.

Secondly, I would say that I think those of us who—

Mr. BUNNING. Unfortunately, that is not true.

Mr. DURBIN.—Put a hold on a bill or a hold on a nomination can certainly do that. I think they ought to step forward and say publicly when they do that and why they do that.

Mr. CORKER. That has been done.

Mr. DURBIN. In this situation, in fairness to the Senator from Kentucky, he has been very public and open about his objections to this. I certainly respect we have different points of view. But I would say to the Senator from Tennessee, here is what I face and what other Senators face. After we completed these rollcalls here, we would have walked out the door and gone home and relaxed and headed home for the weekend, and then come Sunday, somebody might have noticed the unemployment benefits for 15,000 people in my State were cut off, eliminated, people out of work.

I could have left. I would like to be home relaxing too—I am not a spring chicken—but I think it is an important enough issue to stand up and speak about it tonight. We have heard from the Senator from Kentucky. I have yielded to him in a way that may go beyond what is required, but I wanted him to express his viewpoint, and he has, about why he has done this.

And, yes, I am a little weary standing here, too, and I don't plan to stand here all night. But if we were to walk out that door and ignore the impact of that objection on the thousands of people in our own State, do you think we are meeting our obligation as Senators? I think it is worth speaking out. You must receive these same communications I receive from people who are out of work. These are sad, heart-breaking stories. We are about to make these stories even worse because of the objection of one Senator.

Yes, it is his right to do it. But it is our right to stand and explain the effect this is going to have on a lot of innocent people.

I yield to the Senator from Oregon for purposes of a question.

Mr. MERKLEY. I thank the Senator. I have before me a chart on workers losing Federal unemployment benefits at the beginning of March. It notes "Workers Exhausting Regular State Benefits without Additional Federal Extensions" as 380,000 workers. Then there is an additional column that says "Workers Prematurely Exhausting Their Federal Benefits" at the start of March: 813,000. I am rounding off. It has a "total" column that says, for the United States as a whole: 1,193,838 individuals lose their benefits.

As I am reading this chart, my impression is they are losing their benefits at the end of February if we do not have an extension. Am I reading this correctly?

Mr. DURBIN. I say to the Senator from Oregon, I believe it is the end of March.

Mr. MERKLEY. The end of March. But there are many people who lose their benefits much sooner if we do not pass this extension?

Mr. DURBIN. As I understand it, some will start to lose them as of Sunday night. Then, as their benefits expire, by the end of the month, the Senator is correct: 1,193,000 people. The Senator from Kentucky and others have said eventually you are going to get around to the process of actually getting the 30-day extension. It is true we could do that. We could use up another week of time of the Senate to go through the filibusters and cloture motions on the motions to proceed and the rest of it. But it strikes me as a colossal waste of time and a sad commentary on the Senate that we are forced to do this to provide simple unemployment benefits to people across America who are out of work.

Mr. MERKLEY. My friend from Tennessee has made some comments about the process. I must say I very much respected the dialog he has been involved in, in the Banking Committee, through the year I have served on that committee, working to find the right way to have regulatory reform that will help put our economy back on track. There is so much I agree with him on. But I completely, respectfully, disagree that it is inappropriate, when unemployment benefits are threatened for

our workers in our States, to come to this floor and say: This matters. This matters for working families.

When I was asking the people of Oregon to consider my candidacy to come here to represent them, I went on a 100-town tour with 100 public townhalls. In every townhall, people came and talked to me about the challenge of employment and health care. Tonight, both are at stake.

I had one woman who stood and she said: I got a letter from my doctor whom I have had for many years. I think she said 20 years. She said: The letter fired me from being a patient because I am on Medicare now and that the doctor had dismissed all the Medicare patients because the calendar could now be filled with folks with private insurance that paid better.

My colleague from Alaska was talking about that problem in Alaska. It is a huge problem in Oregon that our seniors who are on Medicare cannot get in the door of a doctor—at least it is increasingly difficult. The result of it being increasingly difficult is, a program they have counted on to provide their health care they are unable to utilize.

Tonight we are considering an extension or a fix of the physician payments related to this very issue, whether doctors are going to take and keep taking Medicare patients in their agenda. We have talked about unemployment, but it is equally important we address this Medicare rate because, in my State, it is a growing challenge. We have a generational contract with our citizens over Medicare that they are going to be able to get in the door of a doctor's office. If we do not address this payment issue, then we are not honoring that generational commitment under the Medicare Program.

So I do, respectfully, disagree with my colleague from Tennessee. I wish we had more debates such as this. I wish we had more debates such as this with votes. I wish we had a vote tonight, with a debate, and that my good colleague from Kentucky had agreed to have the debate and had made his case and persuaded us on this floor of his point or that others would have made a different point and would have been persuasive. But we didn't have that debate because the offer was made and the offer was rejected.

Here I am tonight, looking at the thousands and thousands of Americans who are going to lose their health care because they will not be able to get in a doctor's door, who are going to lose their COBRA benefits and therefore will not be able to afford the expense of health care because they are unemployed, who are going to lose their unemployment insurance benefits—or looking at the businesses that are trying to get small business loans that will not be able to get them if we are not extending the small business loan guarantee program.

I think this is about one of the most important debates for working Ameri-

cans. We need to get this 1-month extension, we need to respect that everyone in this Chamber, every one of our 100 Senators can proceed to carry this debate on over this coming 30 days. We are going to have another chance to vote on this. But tonight we should not take our differences over the process—or our differences over what happened during the Bush administration—and take it out on the most vulnerable members of our society.

So I ask my colleague from Illinois, does he share my concern that we are taking procedural differences and age-old debates and we are taking it out on the most vulnerable? Is it the wrong thing to do, as I believe?

Mr. DURBIN. I say to the Senator from Oregon that is exactly why I am standing. I didn't plan on doing this. I had a pretty full day down at the Blair House and other places. I believed, by the end of the day, the Senator from Kentucky would agree to a vote. He would have had his chance on the floor—which is all we can ask for in the Senate, to argue his point of view—and that we would be able to go home for the weekend knowing unemployed people across the United States would not have their benefits cut off—cutting off unemployment checks in the midst of this recession.

I had not planned on being here tonight, but I thought to myself, I say to the Senator from Tennessee, how can I walk out that door and go home and go to bed and say: Well, just another day, another objection. Those 12 million people who sent me here expect me to stand for them once in a while.

That is what I am trying to do. I cannot believe we have reached the point in the Senate where these battles over cosmic issues are being visited on people who are struggling to survive day to day, to put food on the table. That is what it has come down to. That is exactly what it has come down to. I think that is unfortunate. I think we are better than that. I think we should be better than that as a Nation and as a Senate.

Does the Senator from Vermont seek the floor to ask a question? I yield for the purposes of a question.

Mr. SANDERS. I say to my good friend, the Senator from Tennessee, he is a good friend as is the Senator from Kentucky. I like the Senator from Kentucky. I know he is honest. He is sincere. He is not hiding. He is here. I respect that. We disagree very strongly on his position.

The Senator from Tennessee said a moment ago his point of view, this is not the way the Senate functions, that is not what the Senate is about, in so many words.

If you go and ask millions of people and say if the amendment of Senator BUNNING came to the floor of the Senate—no one can predict what the vote would be, but my guess is he would probably lose. That is my guess. But he has decided, one person, to say to hundreds and hundreds of thousands of

workers, I, one Senator, am exercising my right, no question about that, and I am going to object. I, one person who does not have the votes to pass my amendment, am saying to people—you have heard the Senator from Illinois describing these stories of the pain, turmoil that families are going through. No one disputes what he is saying. It is going on in Tennessee, it is going on in Vermont, Kentucky, Missouri. We all understand that. I don't think there is a disagreement. People are hurting terribly.

I don't think there is a disagreement. When people Monday morning wake and find they are not getting the safety net of that life-supporting check, do you know what people are going to be feeling? Do you know what panic? They don't know how the bureaucracy works. Suddenly, they wake and somebody says: I am not getting my check. Am I ever going to get a check? Well, they are going to get a check, but it is delayed.

There was an article in the paper just the other day, one of the ramifications of this recession, and we all know it is true, is what it is doing to the emotional health of people. Think about people who want to work, who have worked their whole lives and cannot find a job. Do you know what it is doing to them? To their emotional well-being? Do you think they like unemployment checks? The vast majority don't want it—a thousand times more they would like a job. Suddenly, for no understandable—they don't understand what is going on. I don't understand what is going on half the time in the Senate. Suddenly, because one Senator says: I am sorry, I object, I object, and thousands and thousands of people are wondering whether they are going to survive.

They are going to get their checks. We will eventually pass this.

This is a good debate. We have a \$14 trillion national debt. How did we get here? How do we resolve that debt? Who in this room thinks that a \$14 trillion debt is sustainable? Nobody does. We have to deal with that issue. Who caused it? We have disagreements. How do you solve it? We have disagreements. Let's argue out those disagreements but not on the backs of people today who are hurting and hurting terribly.

One of the points I would like to ask the Senator about is we are not just looking at record-breaking unemployment in our lifetimes. This unemployment rate takes place after years and years of decline.

There was an interesting piece—I don't have the date, it was a couple months ago—in USA Today; astounding facts. What they said—this is from USA Today, I think going through the census data. Between 2000 and 2008, men between 25 and 34 saw an 11.7-percent drop in their median income; people, then, from 45 to 54, 11.2 percent drop. In other words, all over this country we see people who are furious.

They are angry. They are confused. Do you know why? They went through a decade where they worked hard and at the end of that decade they were poorer than when they began the decade and then came the Wall Street collapse and then came massive unemployment. What we are trying to do—no one thinks the extension of unemployment is the solution. We have to rebuild the economy. We have to create jobs. But I hope nobody in this room thinks it is acceptable or moral that we allow desperate people to go over the cliff—not to have money to buy food?

Hunger in the United States of America today is a serious problem. It is not a joke. This is America. Desperate people, for their kids, for their parents, need that unemployment check.

We are going to pass this. I gather we will pass it next week. But all we are doing is disrupting the lives of hundreds of thousands of people for no good reason. Senator BUNNING has raised important issues. I disagree with him, but those issues are important. Let's debate them. But you do not have to do it on the backs of the middle class and the working class who have been decimated for years and are now in worse shape than they have been and now we are suddenly pulling out the rug.

I ask my friend from Illinois, my assumption is, we are at some point soon going to pass these unemployment extensions. My understanding is, I don't know how it is going to be, but I suspect many Republicans are probably going to vote with many on this side; is that a correct assumption? And are we simply bringing more pain and confusion to hundreds of thousands of people who suddenly, Sunday, Monday, are going to find out they don't get a check?

Mr. DURBIN. I would say, in response to the Senator from Vermont, the last time we went through this exercise about unemployment benefits, he may recall there was a Republican Senator who insisted on an amendment on the bill relating to ACORN. If he could not get another chance to take a swing at the organization, ACORN, he was going to hold up the unemployment benefit bill.

I reached the limit of my patience at that moment. I thought to myself, it was not the first, second, third, or fourth or fifth time, it was going to be the sixth or seventh time. There was a belief on his part that he had to keep taking a swing at this organization, even at the expense of delaying unemployment benefits.

I will tell you, I think that is unfortunate. If you want to fight a battle, for goodness' sakes, make it a fair fight. Do not fight the battle over the bodies of people who are unemployed and struggling to get by on a day-to-day basis. If you want to fight the battle of the deficit, fight the battle of the deficit on the budget resolution or whatever appropriations bill you choose.

But to deny unemployment benefits to make your point about the Nation's debt takes this to an extreme. That is why I am here. That is why I did not go home tonight. I would like to be there to see what is happening with the Olympics and what every other American family is doing. But I thought to myself, I cannot walk out that door without speaking up for what I consider to be an unjust decision by one of my colleagues.

He sees it differently. I do like Senator BUNNING. He and I may have had our differences, but we have had some good conversations about baseball. Maybe that is all but about baseball.

Mr. SANDERS. I would say that the Senator and I have had strong agreements. I would ask the Senator from Illinois, in the hearing of the Senator from Kentucky: Look, the Senator from Kentucky has raised important issues. I would hope that he would allow us, not for our sake, but for the sake of tens and tens of thousands of people, to get those checks out. Let's come back and continue that debate.

You have raised the right issues. These unemployment checks are going to go out, unless I am mistaken. So all we are doing is disrupting the process. We understand where you are coming from. You have raised a fair point. It is a very important issue.

But I would, through my friend from Illinois, ask my friend from Kentucky, who is a friend—I like JIM BUNNING: Let us continue this debate. But it does not have to be tonight. It does not have to be in a way that causes confusion and uncertainty and a lot of pain for a lot of people. So I would—

Mrs. MCCASKILL. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield. But I would say also to the Senator from Tennessee and the Senator from Kentucky, there is a version of this unanimous consent request which will give you your vote. If the Senator would agree to that. You will not.

I yield to the Senator from Missouri.

Mrs. MCCASKILL. The Senator from Tennessee and the Senator from Vermont and the Senator from Rhode Island all came here in the same class. The Senator from Oregon just arrived in January. So we have not been here for a long time to watch how the Senate works and how the Senate traditionally has worked. I know it appeared to my pal from Tennessee that this looked like some organized ambush of the Senator from Kentucky. I have to tell you the truth, we are not that well organized. If we were that well organized, we probably would have been doing more of this a long time ago.

I honestly came down to the Senate floor understanding a deal had been made to give Senator BUNNING a vote on his amendment. I expected that vote to occur. I had not talked to my office. I was surprised when I got to the floor and realized that Senator BUNNING, which he can do under the rules, was going to hold it.

I walked up as I was finishing voting on the third bill, and I said to DICK: Are you going to stick around and make him object again?

He said: You know, I think I am going to stick around for a while. I just do not feel right going home.

At that moment I thought: I do not feel right about going home either. I think it is time, if we are going to do an objection every 5 minutes, and if we are going to have holds—if this was a hold on a nominee, it could wait until Monday. But when Senator BUNNING decided to do this, it came at a risk. And the risk it came with was that there were going to be Senators who were going to speak out about it. There were going to be Senators who were going to disagree with him, and they were going to publicly say that this is not the moment.

This \$10 billion, with all of this deficit spending that has gone on for the last decade, this is not the moment to have one Senator say: I can stop it. So I felt like I wanted to talk about it. But nobody organized this. Nobody said: JEFF MERKLEY, can you stay? This is just some of us decided we wanted to stay and talk about it.

Here is what I ask. Have there been this many objections and holds traditionally in the Senate?

Mr. DURBIN. No.

Mrs. MCCASKILL. Have we had this many? Have there been this many objections to the regular order of the Senate traditionally?

Mr. DURBIN. I have been here 14 years—14 years in the House, 14 years in the Senate. This Senate has changed so dramatically in the 14 years I have been here. We actually had debates on the floor of the Senate. We had Members offering amendments back and forth. I mean good debates. I thought it really was a joy to be part of a deliberative body that engaged in that.

But now we are in this era of cloture and filibuster and holds and objections, and it grinds to a halt. You think to yourself: No wonder there is frustration among the membership, and no wonder so many people on the outside look at us and say: Why are they not doing things?

How can we explain to people in Missouri, Illinois, or Tennessee or Kentucky that we are here tonight because we are going to cut off unemployment benefits? You know, the Senator is right, the Senator from Vermont is right. The day will come when those unemployment benefits will go through. It may take us a week. We may have to eat up a whole week of the Senate Calendar to get that done.

You think to yourself: Senator, is there not something you should be doing that is more important? And we know there is. We should be working on a jobs program. We should be working on health care. You are working on financial regulations. I know, Senator CORKER, you may be upset with me at this moment. But I respect you so much. It shows extraordinary courage on your part to step up and try and tackle this tough issue.

I am glad you are doing it. It does harken back to a better era in the Senate when people did work on a bipartisan basis. So I would say to the Senator from Missouri, we have been here for a while, and I know there are staff people here who did not plan to be here this late. In deference to them, I am going to allow the Senator from Missouri to ask a question. I am going to then make a unanimous consent request again. Then at that point, I will not make it after that point.

Mrs. MCCASKILL. Well, I guess what I am trying to ask the Senator is—I do not think most Americans think the Senate is working very well right now. I think most Americans think we are behaving sometimes like children. I think most Americans are not sure what the rules are and what the difference is between a cloture, a filibuster, a motion to proceed, and a motion to recommit; what is the difference between a reconciliation and a conciliation or all of the other terms we throw around here.

But there is one thing I think we all need to come to grips with; that is, if we are going to try to stop the place, we need to be proud to own it. I think that goes on both sides of the aisle. If a Senator wants to hold a nomination, I do not think they should be allowed to keep it secret for 10 seconds. If somebody wants to try to hold a bill or wants to object to something, I think this nonsense that they have had in the Senate forever that it is a secret for a while is the stupidest thing that I can possibly imagine.

If you are big enough to get elected to the Senate, you ought to be big enough to own what you do with your rights when you get here. Senator BUNNING has stood up strong tonight, and he has explained his position. A few of us stuck around and talked about our positions. I think that is about the healthiest thing we can do. I think it is a heck of a lot healthier than running around behind closed doors placing holds that nobody knows are there or why.

I make a pledge tonight that if I am ever going to hold anything, the minute I decide to do it, I am going to say what it is, why it is, and I am going to own it. I think it is time that all of us do that. If somebody is not willing to own it, then I hope someone comes to the floor and does to them what we are doing tonight.

I think the sooner we own what we are doing with our rights in the Senate, the sooner we wear them like a proud coat of bright-colored feathers, the better off we are going to be in terms of getting things done around here. This is not about making the other side fail. That is not what this is supposed to be about. This is supposed to be about us working together like you are trying to do.

My friend, the Senator from Tennessee, you are doing the right thing. You are trying to find common ground and work hard, and there are plenty of us who want to do that. I hope that whatever is motivating you to work as

hard as you are working in a bipartisan way, I hope it is contagious because if you can spread it around a little, I think the American people would be so proud that we would quit this nonsense of political holds and political “gotcha” amendments.

By the way, I am the first to admit this has gone on on both sides. This is an equal opportunity Senate. But it is time that we try to make this place work better.

I have to tell you honestly, my dear friend, I think tonight helps. I do not think it hurts. I think it is a good thing, and I am proud to have participated in this tonight. I think the Senate would be a healthier place if we did it more often.

I thank the Senator from Illinois for yielding for this time, and I thank him for sticking around as long as he has, so at least we now know what has happened and why.

Mr. DURBIN. If that is a question, I agree. In defense of the question, I agree with what the Senator said.

I yield to the Senator from Rhode Island.

Mr. WHITEHOUSE. I was presiding during the time that my friend, Senator CORKER, was speaking. I did not have the chance to respond. But I want to assure him, through the Chair and through this question, that as the distinguished Senator from Missouri has just said, this was not planned on our side, at least not by me. I came for the votes.

The only surprise tonight was my surprise that a Senator was going to stop our unemployment insurance program. It never crossed my mind, until it just happened tonight, that was within the realm of possibility. I have 75,000 people unemployed in my small State of Rhode Island. We are at 13 percent unemployment.

So when I discovered, as a surprise tonight at these votes, that this was going to happen, like Senator DURBIN, I could not just walk away from this Chamber. No way. No way.

But it was not as part of a planned surprise. The person in my life who was surprised as to what happened tonight was me. Frankly, I am still surprised, and I am surprised this has not resolved itself during the course of this discussion.

I am surprised that the 75,000 people in Rhode Island and over 1 million people in this country, who are going to wake up to the worry and concern and extra anxiety that Senator SANDERS spoke about, are going to have to face that. I think it is unfortunate. But it is not because of a surprise attack by me. It is because I am responding to a surprise to something that I think is very unfortunate and extraordinarily painful for tens of thousands of regular working people who did nothing wrong but cannot find work in this economy in my home State.

I thank the Chair.

Mr. DURBIN. I thank the Senator. I am happy to yield for a question from the Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Illinois. I have to say to my friend from Missouri that I agree that the discussion has been very good. I received an e-mail from my staff regarding what was happening. I got in my car and drove down here. I have to say that as I look across the other side of the aisle and on this side, I have a lot of friends, a lot of goodwill.

I say to the Senator from Illinois, I don't think I have ever, in my short time here, 3 years 2 months, I don't think I have offered a message amendment. I don't think I have ever offered anything that was meant to obstruct unnecessarily. As a matter of fact, I offer very few amendments. I try to do my work with other Senators and bring things to the floor that are hopefully ready to pass.

At the end of the day, the Senator from Vermont is the best I know in this body at talking about compassion for people that I know he believes; I think we all believe. I always listen to him with great awe, candidly, at his ability to express what all of us feel about people who are unemployed or have large heating bills or whatever may exist. I don't really think that is what this debate is about. It isn't. This debate is about the fact we are spending money that we don't have. Yet we have passed a \$787 billion stimulus bill that won't be spent until way beyond 2012.

I cosponsored an amendment, a piece of legislation with the Senator from Colorado, Mr. BENNET, to use some of that unspent money past 2012 to pay down the deficit. He is in a tough race. He wanted me to cosponsor something that was sensible, and I did.

This is really not about the fact that all of us want to see people who are unemployed have these benefits. We don't want to see physicians take a 21 percent cut. It is about paying for it. I wonder if the Senator from Illinois would agree to me offering unanimous consent that we pass this measure that is before us, and we do it tonight. And we pay for it with unspent funds from the stimulus bill that won't be utilized or are not planned to be utilized until beyond 2012. That is what this debate is about. All of us want to see people get unemployment benefits. We want that. We want to see them have all the things that are in this bill. It is not about that. You know that if this bill were offset, it would have been voice voted out of here.

I ask unanimous consent that we pass this measure out, that we offset it with unspent stimulus moneys that are going to be utilized past the year 2012, and then we work together, just like we are tonight, to figure out a way to make up that difference. I know this is something that is very important to the administration.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the regular order. I yielded for the purpose of a question.

The PRESIDING OFFICER. The Senator from Illinois yielded for a question.

Mr. DURBIN. I would say to the Senator from Tennessee, here is the difficulty we face. Of the stimulus funds currently sitting there, they have been obligated. They will be spent. There won't be a surplus, we are told, of any funds. This would have come out during the course of the debate, if Senator BUNNING had accepted our offer of the amendment. To agree to this now is to basically agree to what he has been asking for, just say we will pay for it with the stimulus. I don't think it should be, and I don't think it can be. It should be the subject of a good floor debate. That is what the Senate is for.

I understand you can't make a unanimous consent request when I have yielded only for a question. But that would be my response to you based on that.

Mr. CORKER. I would like a ruling from the Chair.

The PRESIDING OFFICER. The Senator from Illinois is correct.

Mr. CORKER. I thank the Senator for yielding for a question, and I thank him for this discussion. I understand my request is out of order. I actually thank each of you for your heartfelt comments. All of us know that we all want to see these benefits extended.

Mr. DURBIN. Mr. President, I am going to ask this unanimous consent request one last time this evening. I will not be making another unanimous consent request until tomorrow morning. There will be an opportunity, I believe, with the Senate coming into session, pursuant to the adjournment script, at about 9:30 in the morning. I will make one request. I will make the same unanimous consent request in the morning. That is the only time I will make it. But at this point that is my plan.

I thank the members of the staff, all of them, who were not notified that this was going to happen this evening and had to make changes in their own personal and family plans as a result.

As we have said, there will be thousands and thousands of people across America impacted by this decision in just a few days. That is why many of us thought it was worth the wait and the effort. I still believe it was.

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28—unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR, and on poverty guidelines—received from the House and at the desk, that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. It is my understanding we will now move to closing the session. I thank my colleagues on both sides of the aisle, particularly on the Democratic side, for sticking with me through the course of the evening. None of us had planned for this, and it came as a surprise that this issue came before us. I think there were heartfelt sentiments stated here, and I thank them very much for staying with me.

REMEMBERING VERNON HUNTER

Mr. KAUFMAN. Mr. President, I rise once again to recognize one of America's great Federal employees. I have spoken before about the values that bind our Nation's public servants together. One of the most fundamental of these is sacrifice.

We see this quality each day in the men and women who serve in uniform, both in the military and in law enforcement. They put themselves in harm's way to keep us all safe and protect our freedoms and way of life.

Those who work in civilian roles also routinely take risks to their safety when performing their jobs, including the many Federal employees posted overseas and at our borders.

This week, sadly, our Nation mourns the loss of a truly outstanding public servant who was killed last Thursday in the tragic attack against an office building in Austin, TX.

Vernon Hunter was a 27-year veteran of the Internal Revenue Service and before that served for two decades in the U.S. Army.

Earlier this month, I honored an IRS employee who made it possible for tens of millions to file their taxes electronically. At that time I spoke about how our IRS employees continually work hard to make it easier and less stressful for Americans to pay their taxes.

Vernon was one of the great IRS managers who helped process tax filings and resolve issues for taxpayers. He had a reputation for being kind and full of life. He always wanted to help people solve their problems. His biography reads like a lesson in service and sacrifice.

A native of Orangeburg, SC, Vernon enlisted in the U.S. Army after graduating from high school. He served two combat tours in Vietnam, at the same time facing discrimination at home when he was turned away from an all-White boarding house despite wearing the uniform. Vernon remained in the Army for 20 years, after which he worked for a short time in the private sector. However, as do many of our great Federal employees, he believed he had always been called to serve his Nation, and he returned to Federal employment nearly three decades ago when he began working for the IRS.

Last week, Vernon lost his life when a small plane appeared out of the clear morning sky and struck his office

building. The pilot also died in an act of apparent suicide, leaving behind a lengthy manifesto condemning corporations, the government, and singling out the IRS. Although 13 people were injured, Vernon was the only person killed in the violent explosion that ensued.

Loyal, dedicated public servants such as Vernon bravely put themselves at risk each and every day through the mere act of doing their jobs. The attack in Austin was, of course, presaged by the Oklahoma City bombing and the anthrax attacks of 2001.

Civilian Federal employees know there is always a risk. Many pass through metal detectors each morning coming to their offices. Mail is screened and emergency drills rehearsed. A Federal office building is a place of both dedicated work and unwitting risk in the name of service to country. Vernon, tragically, epitomized both.

Vernon was 68 years old and is survived by his wife Valerie who also works for the IRS in the same office building, along with six children and stepchildren, seven grandchildren, and a great-grandchild. According to his son, Vernon was planning to retire from the IRS and go back to school. He wanted to teach children with special learning needs. Vernon was also an active member of the Greater Mountain Zion Baptist Church in Austin where he ushered and where his funeral will be held tomorrow.

I hope my colleagues will join me in honoring Vernon Hunter and expressing our condolences to his family, friends, and those who worked with him at the IRS. He made the ultimate sacrifice in service of our Nation.

BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, I rise today during Black History Month to honor the history and legacy of the First Kansas Colored Infantry, a regiment of former slaves, which was the first group of Black men to fight in the American Civil War.

This regiment of escaped Black slaves was the first organized into service for the U.S. Government. They were commanded by COL James M. Williams. For the first time during the Civil War, Black troops were fighting alongside White troops in the name of freedom and equality.

In June 1862, Kansas Senator James H. Lane started recruiting troops from among free Blacks, especially the increasing numbers of fugitive slaves in Kansas, men who had fled their masters in Missouri and Arkansas. The progressive nature of Kansas made it appealing to slaves fleeing Missouri and Arkansas as soon as the Civil War fighting began. By August 1862, Colonel Williams assembled 500 men in a camp outside Leavenworth. These men fought bravely in July of 1863, at Cabin Creek, when the First Kansas Colored Infantry along with other Union forces

worked to drive the Confederates out of nearly all of Arkansas.

President Lincoln also took note of the bravery of the First Kansas Colored Infantry when he noted to a group of visitors from South Carolina who came to complain about the arming of Blacks: "You say you will not fight to free Negroes. Some of them seem to be willing enough to fight for you." These men of the First Kansas Colored Infantry continued to fight until the end of the Civil War, being credited with seeing action at Sherwood, MO; Honey Springs; Indian Territory; and Lawrence, KS; Poison Springs, AR. They saw more regular combat than any other black regiment of the war. In October 1865, the men of the First Kansas Colored Infantry were discharged at Fort Leavenworth.

Frederick Douglass once stated, "In a composite nation like ours, as before the law, there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny." These men were willing to give their lives in the hopes for a better future, an equal future, for their children. It is a struggle that continues today, and we look to our history as we continue to engage in it.

Mr. President, the men of the First Kansas Colored Infantry helped shape this nation into a society of freedom and a beacon of hope around the world. I ask that we all thank them and honor their legacy of service.

USA PATRIOT ACT EXTENSION

Mr. FEINGOLD. Mr. President, this is not where I hoped we would be, 8½ years after the USA PATRIOT Act became law. Congress should not have passed that law in such haste in 2001 and ought to have enacted meaningful reforms to it years ago. That is why I voted against the PATRIOT Act in the first place, and it is why, Congress after Congress, year after year, I have sponsored and cosponsored bills and amendments to enact changes that would protect the rights of innocent Americans while also ensuring that the government has the authorities it needs to protect national security.

So needless to say, it is far from ideal that the three expiring provisions are being extended for 1 year. But my hope is that Congress will take the opportunity presented by the 1-year extension to finally enact the meaningful changes to the PATRIOT Act that I have been advocating for years. It is well past time to place appropriate checks and balances on authorities like national security letters, whose abuse the inspector general has documented repeatedly; "sneak and peek" searches, which allow government agents to search Americans' homes without telling them until well after the fact; and section 215 orders, which authorize the government to secretly obtain records about Americans without connections to terrorists or spies.

I will continue to fight for these reforms, just as I did a few months ago in the Senate Judiciary Committee. Our committee took up the USA PATRIOT Act Sunset Extension Act in October 2009, and Senator DURBIN and I pushed for improvements on a variety of issues. Some of those amendments were successful, such as the amendment shortening the presumptive time period for delayed notice of a "sneak and peek" search warrant from 30 days to 7 days and the amendment requiring that the Attorney General issue procedures governing the acquisition, retention, and dissemination of records obtained via national security letters, NSLs. There are other provisions in that bill that I strongly support, as well, including new inspector general audits, a sunset for the first time on the NSL authorities, and changes to the NSL and section 215 gag orders to help bring them in line with the first amendment.

But in key ways, that bill fell short, and as a result I voted against it in committee. Most importantly, it did not contain critically important protections for the government's use of section 215 orders and NSLs. Senator DURBIN offered amendments that would have required that the government be able to demonstrate some connection—however tenuous—to terrorism before obtaining an individual's sensitive business records using these authorities. But those amendments were rejected.

This was in some respects mystifying. The Senate Judiciary Committee passed this same standard for section 215 orders unanimously in 2005, and the Senate adopted it by unanimous consent that year, although it was not in the conference report that ultimately became law. The arguments that led the Senate to pass this standard in 2005 still apply. The "relevance" standard in current law is still dangerously overbroad and the burden of proof should be on its proponents to explain why a more focused standard, unanimously supported by the Senate in 2005, cannot serve as an effective counterterrorism and national security tool.

I recall during the debate in 2005 that proponents of section 215 argued that these authorities had never been misused. They cannot make that case now. Section 215 has been misused. I cannot elaborate, but I believe that the public deserves some information about this. I and others have also pressed the administration to declassify some basic information about the use of section 215, and it has declined. I hope that the administration will reconsider and that more information will be declassified before this reauthorization process is completed. I do appreciate that the administration has offered to provide information about this to Members of the Senate beyond those of us who serve on the Intelligence and Judiciary Committees. But that is just a start. We must find a way to have an open and

honest debate about the nature of these government powers, while still protecting national security secrets, and under current conditions that simply isn't possible.

Congress and the American people do, however, have a great deal of information about how the national security letter authorities have been abused by the FBI. In a series of incredibly detailed audits—audits that the Judiciary Committee chairman worked so hard to require in the 2006 PATRIOT Act reauthorization legislation—the Department of Justice Office of Inspector General has documented years of misuse. In his first report, in 2007, the inspector general found—as he put it—“widespread and serious misuse of the FBI's national security letter authorities.” His most recent report documents even more instances of the FBI inappropriately obtaining telephone records, through the use of so-called “exigent letters” and other informal requests for telephone billing records that violated the requirements of the Electronic Communications Privacy Act, ECPA.

So I will continue to press for improvements to the PATRIOT Act. Indeed, last year I and nine other Senators introduced the JUSTICE Act, which takes a comprehensive approach to fixing our surveillance laws. It permits the government to conduct necessary surveillance but within a framework of accountability and oversight. It ensures both that our government has the tools to keep us safe and that the privacy and civil liberties of innocent Americans will be protected. These are not mutually exclusive goals. We can and must do both.

Since the PATRIOT Act was first passed in 2001, we have learned some important lessons. Perhaps the most important is that Congress cannot grant the government overly broad authorities and just keep its fingers crossed that they won't be misused or interpreted by aggressive executive branch lawyers in as broad a way as possible. It is no longer possible for proponents of the PATRIOT Act to argue that it has never been abused. It has. Congress cannot and must not ignore its responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies but that also protect the privacy of innocent Americans.

We also now know that lawyers in the Office of Legal Counsel looked for every possible loophole in statutory language to justify what I believe were clearly illegal wiretapping and interrogation programs. That should also teach us that we must be extraordinarily careful in how we draft these laws: We must say exactly what we mean and leave no room for reinterpretation.

I hope that this extension will allow Congress an opportunity to do just that—to get this right once and for all.

NOMINATION OF JUSTICE BARBARA KEENAN

Mr. WARNER. Mr. President, in the summer of 2009, Senator WEBB and I had the honor of interviewing several potential candidates to serve on the U.S. Court of Appeals for the Fourth Circuit. We were enormously impressed by the quality of all the candidates being considered. But one candidate rose to the top of the list for her extensive experience, judicial temperament, and commitment to the law. This candidate was Justice Barbara Keenan.

President Obama nominated Justice Keenan on September 14, 2009. The Senate Judiciary Committee held a hearing on the nomination where members of the committee were given the opportunity to engage Justice Keenan in a question-and-answer session. On October 29, 2009, the members of the committee reported the nomination by unanimous consent.

Justice Keenan's nomination has been on the Senate Calendar for 4 months now. I believe it is time for this Chamber to consider the nomination and give Justice Keenan an up-or-down vote.

Justice Keenan has strong academic credentials. She graduated from Cornell University in 1971 and received her law degree from the George Washington University Law School in 1974. She also earned a master of laws degree from the University of Virginia School of Law in 1992.

Justice Keenan has served with distinction at every level of State court in Virginia. She has served as a justice on the Virginia Supreme Court since 1991. She also served on the Fairfax County General District Court, the Circuit Court of Fairfax County, and the Court of Appeals of Virginia. Earlier in her career, Justice Keenan worked as an assistant prosecutor in Fairfax and briefly worked as an attorney in private practice.

The Virginia State Bar Judicial Nominations Committee ranked Justice Keenan as “highly qualified.” She was one of the few candidates to receive a unanimous vote.

The committee noted in the summary of her evaluation that “. . . it would be a shame to lose Justice Keenan's skills on the Supreme Court of Virginia, but Senators WEBB and WARNER could do no better than her appointment to the Fourth Circuit . . .” The committee also found that Justice Keenan has exhibited excellent judicial temperament, has the highest integrity, and concluded that she has superior intellect and legal skills for the position.

In addition to the Virginia State Bar, Justice Keenan was considered “highly recommended” or “highly qualified” by the Virginia Women Attorney's Association, the Old Dominion Bar Association, the Virginia Trial Lawyers Association, and the Asian Pacific American Bar Association.

I must also mention that Justice Keenan is the first woman appointed to

the bench in Virginia and one of the initial 10 appointees to the Virginia Court of Appeals following its creation in 1985.

Six weeks ago Justice Keenan was the first woman to administer the oath of office to a Virginia Governor, Gov. Bob McDonnell.

In May, Virginia Lawyers Weekly named Justice Keenan as the “influential woman of the year” for “a litany of first and years of service.”

I look forward to casting my vote in support of Justice Barbara Keenan's nomination and encourage my colleagues on both sides of the aisle to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO TONY BELL

• Mr. BROWNBACK. Mr. President, today I wish to recognize Tony Bell of Harveyville, KS. Tony has been selected as a 2009 Great Comebacks Recipient for the Central Region. This very important program annually honors a group of individuals who are living with intestinal diseases or recovering from ostomy surgery.

The Great Comeback Award celebrates the lives of people with painful and debilitating diseases like Crohn's disease, ulcerative colitis, colorectal cancer and other diseases that can lead to ostomy surgery. Tony is one of over 700,000 Americans, from young children to senior citizens, who have an ostomy, a surgical procedure that reconstructs bowel and bladder function through the use of a specially fitted medical prosthesis. Ostomy surgery is a life-altering and sometimes life-saving procedure which both addresses a medical issue and improves a patient's quality of life.

Hundreds of thousands of those suffering from Crohn's or ulcerative colitis rely on a certain type of ostomy to function on a daily basis. Just like a prosthesis, ostomies help restore patients' ability to participate in the normal activity of daily life. Recipients are patients who live full and productive lives with their ostomies.

Born with a defect of his colon, Tony Bell received an ostomy immediately after birth. A few years later, the ostomy was reversed, but after years of struggling with incontinence, 9-year-old Tony received a permanent colostomy. All of a sudden, this inactive, withdrawn boy who was scared to leave his home was ready to saddle up and grab life by the horns.

In control of his body—and his life—at last, an empowered Tony embraced a bright future—one he hoped would include a career as a professional bull rider. He wasted no time, mounting his first bull at the age of 10. As Tony trained for rodeo events, he also pursued his love of music. In fact, as a high school senior, he was chosen to join the elite Kansas Ambassadors choir on a European tour.

While attending college on a singing scholarship, Tony went pro on the rodeo circuit and competed professionally for 2 years, even riding in the Cheyenne Frontier Days Rodeo, known as "The Daddy of Them All." Having achieved this childhood dream, Tony has set his sights on a new goal, following in his parents' footsteps to become a teacher.

Through it all, Tony says he drew tremendous strength from his parents, who taught him to be resilient and to bounce back from whatever life threw his way. He also credits his "second family," Youth Rally, a summer camp for adolescents with an ostomy, for helping him through some rough patches in his life. He now returns each summer as a counselor and enjoys "paying it forward" by providing support and encouragement to campers.

Today, Tony, 28, lives in Harveyville, KS, with his wife Pam and 6-year-old stepdaughter Haiden. He works on the family farm and is only a few credits shy of his special education teaching degree. Although Tony didn't end up a country music star, he channels his passion and performs in a barbershop quartet with his dad. An outdoor enthusiast, he enjoys skydiving and noodling—fishing for catfish with your bare hands. "I want to share with the world my story of success so that others with life-changing conditions know that they are not alone," said Tony. "No matter what comes your way, always reach for the stars and grasp your dreams—they are only a bull ride away."

I urge my colleagues to take the time to meet with Tony and some of the other Great Comebacks Regional Award Recipients. Their personal stories are inspirational and will raise your awareness about some of the Great Comebacks being made by people living with intestinal diseases or recovering from ostomy surgery.●

REMEMBERING BILL GRESHAM

● Mr. COCHRAN. Mr. President, my State of Mississippi has lost one of its finest citizens, Bill Gresham of Indianola, who passed away on Tuesday, February 23. His family and friends will gather today to honor his memory at funeral services in his hometown. I extend my sincerest sympathies to Bill's wife Ann, his daughters Gayle and Susan, his sons Walton and Tom, his sons and daughters-in-law, his grandchildren, and all members of his extended family.

Bill Gresham graduated from Indianola High School and the University of Mississippi. He served in the U.S. Navy during World War II and the Korean war. After his Navy service Bill returned to Mississippi and became a very respected and successful leader in our State. Bill was president of Gresham Petroleum Company and Gresham Service Stations and a board member of Double Quick, Inc. and Delta Terminal, Inc.

Bill was president of Delta Council, the Mississippi Petroleum Marketers Association, the Mississippi Propane Gas Association, the Mississippi Economic Council, and the Mississippi Gaming Commission. He was also a board member of Mississippi College, the Mississippi Ethics Commission, and the National Propane Gas Association.

Bill was inducted in the Hall of Fame of the University of Mississippi Alumni Association, which he served as President. He was also a member of the University of Mississippi Foundation. Bill was an Eagle Scout and a leader in the Chickasaw Council of the Boy Scouts of America. His dedication to community service was also reflected in his leadership of the Indianola Rotary Club and as a major general in the Mississippi Army National Guard.

Bill Gresham was a proud citizen of the United States of America and a real patriot.

In Mississippi, Bill Gresham's name will be associated with the highest standards of leadership and values. Our State is a better place to live because of the life of Bill Gresham, and I am glad that I was able to call him a friend.●

MESSAGES FROM THE HOUSE

At 10:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4626. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

At 5:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

At 7:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3691) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to

facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 2961. A bill to provide debt relief to Haiti, and for other purposes (Rept. No. 111-128).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Joseph Hochul, Jr., of New York, to be United States Attorney for the Western District of New York for the term of four years.

Sally Quillian Yates, of Georgia, to be United States Attorney for the Northern District of Georgia 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. INHOFE (for himself, Mr. CRAPO, Mr. RISCH, Mr. BARRASSO, and Mr. VITTER):

S. 3038. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself and Mr. CORKER):

S. 3039. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. LEAHY, Mr. CASEY, and Mr. COCHRAN):

S. 3040. A bill to amend the Richard B. Russell National School Lunch Act to provide children from rural areas with better access to meals served through the summer food service program for children and certain child care programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN:

S. 3041. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. KAUFMAN):

S. 3042. A bill to provide for a study by the National Academy of Sciences on the technical policy decisions and technical personnel at the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. KAUFMAN, Ms. SNOWE, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY):

S. 3043. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K–12 instruction and curriculum and to provide evaluation grants to measure efficacy of K–12 engineering education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH:

S. 3044. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor homes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3045. A bill to direct the Secretary of Commerce to study the Gulf of Mexico red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 3046. A bill to direct the Secretary of Commerce to study the South Atlantic red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. GRAHAM, Mr. BROWNBACK, Mrs. HUTCHISON, and Mr. CRAPO):

S. 3047. A bill to terminate the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 422. A resolution recognizing the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010; to the Committee on Foreign Relations.

By Mr. VITTEB (for himself and Ms. LANDRIEU):

S. Res. 423. A resolution commending the New Orleans Saints for winning Super Bowl XLIV and the entire "Who Dat Nation" for their support; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 424. A resolution congratulating the BMW ORACLE Racing team for winning the thirty-third America's Cup; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. COCHRAN):

S. Res. 425. A resolution celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty; to the Committee on Health, Education, Labor, and Pensions.

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

S. Con. Res. 50. A concurrent resolution recognizing the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. REID, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. BURRIS, Mr. LAUTENBERG, Mr. HARKIN, Ms. LANDRIEU, Mr. CARDIN, Mrs. HAGAN, Mr. WHITEHOUSE, and Mr. BINGAMAN):

S. Con. Res. 51. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 456

At the request of Mr. DODD, the name of the Senator from North Carolina (Mr. BURR) 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. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. BURR) 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. 1345

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United

States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1834

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

S. 2734

At the request of Mr. FRANKEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2734, a bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2871

At the request of Mr. INOUE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2871, a bill to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action

with respect to the Chicago waterway system to prevent the migration of big-head and silver carps into Lake Michigan, and for other purposes.

S. 3008

At the request of Mr. CORNYN, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Louisiana (Mr. VITTER), the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. JOHANNES), the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. LEMIEUX), the Senator from Massachusetts (Mr. BROWN), the Senator from Mississippi (Mr. WICKER), the Senator from Georgia (Mr. ISAKSON), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kansas (Mr. ROBERTS) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 3008, a bill to establish a program to support a transition to a freely elected, open democracy in Iran.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. TESTER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. CRAPO, Mr. RISCH, Mr. BARRASSO, and Mr. VITTER):

S. 3038. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce The Small System Drinking Water Act of 2009. This is the third Congress that I have introduced this bill which would assist water systems throughout the country comply with the ever growing number of federal drinking water standards. I am pleased to be joined by Senators MIKE CRAPO, JAMES RISCH, JOHN BARRASSO and DAVID VITTER as cosponsors of this legislation. My bill will require the Federal Government to live up to its obligations and require the EPA to use the tools it was given in the 1996 Safe Drinking Water Act amendments, SDWA.

My goal here is to ensure that small towns across the country have safe, affordable drinking water and that the laws are fair to small and rural communities. Currently EPA assumes that families can afford water rates of 2.5

percent of their annual median household income, or \$1,000 per household. For some families, paying \$83 a month for water may not be a hardship but for so many more, it is nearly impossible. There must be some flexibility inserted into the calculation that factors in the ability of the truly disadvantaged to pay these costs. Forcing systems to raise rates beyond what their rate-payers can afford only causes more damage than good.

EPA needs to look more closely at how it determines affordability. My bill directs EPA to take additional factors into consideration when making this determination. These include ensuring that the affordability criteria are not more costly on a per-capita basis to a small water system than to a large water system.

In EPA's most recent drinking water needs survey, Oklahoma identified a total of over \$4.1 billion in drinking water needs over the next 20 years. \$2.4 billion of that need is for community water systems that serve fewer than 10,000 people. The \$4.1 billion does not include the total costs imposed on Oklahoma communities to meet federal clean water requirements, the new Groundwater rule, the DBP II rule or the Long Term 2 Enhanced Surface Water Treatment Rule. Oklahoma continues to have municipalities struggling with the 2002 arsenic rule. Many of our small systems are having difficulty with the Disinfection Byproducts, DBP, Stage I rule, and small systems who purchase water from other systems and did not have to test, treat or monitor their water must now comply with DBP II. EPA estimates that over the next 20 years, the entire country will need \$52.0 billion to come into compliance with existing, proposed or recently promulgated regulations.

My bill proposes a few simple steps to help systems comply with all these rules. First, it reauthorizes the technical assistance program in the Safe Drinking Water Act. The DBP rules are very complex and involve a lot of monitoring and testing. If we are going to impose complicated requirements on systems, we need to provide them with help to implement those requirements.

The bill creates a pilot program to demonstrate new technologies and approaches for systems of all sizes to comply with these complicated rules. It requires the EPA to convene a working group to examine the science behind the rules in order to compare new developments since each rule's publication.

Section 1412(b)(4)(E) of the SDWA Amendments of 1996 authorizes the use of point of entry treatment, point of use treatment and package plants to economically meet the requirements of the Act. However, to date, these approaches are not widely used by small water systems. My legislation directs the EPA to convene a working group to identify barriers to the use of these approaches. The EPA will then use the recommendations of the working group

to draft a model guidance document that states can use to create their own programs.

Most importantly this bill requires the federal government to pay for these unfunded mandates created by laws and regulations. In 1995, Congress passed the Unfunded Mandates Reform Act to ensure that the Federal Government pays the costs incurred by State and local governments in complying with Federal laws. My bill is designed to ensure that EPA cannot take an enforcement action against a system serving less than 10,000 people, without first ensuring that it has sufficient funds to meet the requirements of the regulation.

Since the 108th Congress, I have co-authored and cosponsored legislation to provide additional resources to communities through the State Revolving Loan Funds. Unfortunately, not much has changed. We still have too many regulations and not enough money to pay for them. Funding legislation is important but until that money becomes available, it is unreasonable to penalize and fine local communities because they cannot afford to pay for regulations we imposed on them. I thank my colleagues and look forward to their support of this commonsense proposal.

By Mr. UDALL, of New Mexico
(for himself and Mr. CORKER):

S. 3039. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise to introduce the ROADS SAFE Act of 2010. I am pleased to be joined in introducing this legislation by my colleague, the Senator from Tennessee, Mr. BOB CORKER.

This legislation will encourage the development of new tools to fight drunk driving and has the potential to save 8,000 lives every year.

Tragic drunk driving crashes often prompt communities to do more to prevent drunk driving. This was the case in my home State of New Mexico back in 1992, when a drunk driver killed a mother and her three girls on Christmas Eve. He was speeding down the highway 90 miles an hour, going the wrong way down an interstate highway. This crash helped change attitudes in my State. But it should not take a tragedy for us to do more to prevent drunk driving.

In 2008, drunk driving killed about 12,000 Americans, including 143 people in New Mexico. That is an average of 32 people killed every day by drunk driving. This unacceptable death toll is all the more shocking when you consider that each one of those deaths was preventable.

The United States has already made significant progress. Compared to 20 years ago, our roads are much safer today. Yet even as the overall number of people killed on our highways has

declined, drunk driving still accounts for about one-third of all traffic fatalities.

It is even more worrisome that a drunk driver has just a 2-percent chance of being caught. In fact, one study found that a first-time drunk driving offender has, on average, driven drunk 87 times before being arrested. Imagine, 87 times. This is unacceptable. Something must be done to prevent these drivers from getting on the road in the first place.

The good news is, there are potential technologies out there that could do that. That is why Senator CORKER and I are introducing the ROADS SAFE Act today. New safety technology has already transformed the automobile and saved countless lives. For example, airbags and antilock brakes are now standard features in many vehicles. These safety devices are built into the car and are unobtrusive to the driver. Such technologies are an important reason we have fewer traffic fatalities today.

Imagine a future with vehicles that could detect whether a driver is drunk when he or she gets behind the wheel—before he or she even starts their vehicle. That would be no drunk driving crashes if it were impossible for drunk drivers to drive. If such technology were widely deployed in cars, an estimated 8,000 lives could be saved every year.

I realize many may think this is a farfetched idea. Yet consider that vehicles today can already give driving directions, thanks to GPS satellite navigation devices. Some cars can even parallel park themselves. New Mexico and other States require convicted drunk drivers to use an ignition interlock, a breathalyzer device they blow into before their vehicle's engine will start. The success of ignition interlocks for preventing repeat drunk driving offenses suggests a better technology could be used to prevent all drunk driving.

In 2006, Mothers Against Drunk Driving convened an international technology symposium in Albuquerque, NM. The goal of the meeting was to review efforts to develop advanced ignition interlocks technology.

In 2008, the National Highway Traffic Safety Administration partnered with leading automakers to explore the feasibility of in-vehicle technologies to prevent drunk driving. The recent progress of this cooperative effort fuels optimism that such technology could be deployed within 5 to 10 years.

Clearly, such advanced technologies must win widespread public acceptance in order to be effective. They must be moderately priced, absolutely reliable, and unobtrusive to sober drivers.

The aim is to stop drunk driving, not discourage responsible social drinking. A recent Insurance Institute for Highway Safety poll found that 64 percent of Americans believe advanced alcohol detection technology is a good idea and that it is reliable.

What would the ROADS SAFE Act do? This legislation would authorize \$12 million in annual funding for 5 years for the Driver Alcohol Detection System for Safety Program, also known as DADSS.

DADSS is a public-private partnership between NHTSA and the Automobile Coalition for Traffic Safety. The goal is to explore the feasibility, potential benefits, and public policy challenges associated with using in-vehicle technology to prevent drunk driving.

This increased Federal funding to combat drunk driving is a smart investment in public safety. Drunk driving has direct and indirect economic costs in terms of damaged property, medical bills, and lost productivity. In economic terms, drunk driving costs \$129 billion per year. Of course, such monetary costs cannot be compared to the value of saving 8,000 lives every year.

Several organizations dedicated to fighting drunk driving already support this bipartisan proposal. Mothers Against Drunk Driving, the Century Council, and the Distilled Spirits Council all support the ROADS SAFE Act.

I urge my Senate colleagues to join me, Senator CORKER, and these important organizations in the fight against drunk driving by supporting the ROADS SAFE Act. We have made much progress in our efforts to prevent drunk driving, but there is so much more to be done.

By Ms. SNOWE (for herself and Mr. KAUFMAN):

S. 3042. A bill to provide for a study by the National Academy of Sciences on the technical policy decisions and technical personnel at the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KAUFMAN, to introduce legislation that puts a greater focus on efforts to improve the technical resources and decision-making process at the Federal Communications Commission. The bill proposes a study by the National Academy of Sciences on the technical policy decision-making process and the availability of technical personnel at FCC.

Over the past several years, there have been concerns voiced by the technical community and even Commissioners themselves about the lack of technical resources and expertise at the Federal Communications Commission, FCC. It is for good reason: in 1948, the FCC had 720 engineers on staff; today, it has fewer than 300—an astonishing 62 percent reduction—even though the FCC now must face technical issues concerning the Internet, advanced wireless communications, and broadband. Also, FCC officials have recently acknowledged a shortage of network engineers and that a large number of experienced engineers are eligible to retire within the next few years.

Yet, communications technologies are becoming increasingly complex—evolving from the traditional circuit-switched phone networks to packet-based dynamic-routing high-bandwidth data networks. The need to thoroughly address these issues challenges staff and leads to delays or even inaction in technical rulemakings since the Commission doesn't have the appropriate resources for timely technical evaluation and decisionmaking.

Technical proceedings, including those to authorize new technologies, have been dismally slow—typically taking 2–5 years for approval—creating a bottleneck for innovation and competition.

A December 2009 report by the Government Accountability Office, GAO-10-10-79, reaffirms these concerns and provides additional evidence of the need for such a study. The GAO concluded that “weaknesses in FCC’s processes for collecting and using information also raise concerns regarding the transparency and informed nature of FCC’s decisionmaking process.” Furthermore, the report found the “FCC faces challenges in ensuring it has the expertise needed to adapt to a changing marketplace.”

With the rapid advancement of technologies and innovation within the telecommunications industry, the FCC must be better equipped and more agile to address the ever-changing technical landscape from a regulatory perspective. If it isn't, our Nation's technical leadership in this area will continue to erode and it will be even more difficult to lay the proper policy foundation necessary to meet future telecommunications needs.

To better examine these significant issues and make tangible recommendations toward a comprehensive solution, this legislation proposes a study by the National Academy of Sciences on the technical policy decisionmaking process and the availability of technical personnel at FCC. Specifically, the study would include an examination of the FCC's technical policy decisionmaking, current technical personnel staffing levels, and agency recruiting and hiring processes of technical staff and engineers, and recommendations to improve these areas. The study would provide tangible and specific proposals to streamline processes and rulemakings as well as how the FCC can be more competitive in hiring the required technical personnel to make it more effective. The bill authorizes \$1 million over a 2-year period to conduct this comprehensive technical study.

This bill takes a step towards ensuring the Commission has the adequate resources and proper technical decisionmaking processes in place to be a more effective agency. This is absolutely critical given how rapidly technologies are changing and the implications that regulation could have on the underlying technical catalysts of innovation. It is also critical to overall reform at the Commission because in

order to properly regulate communications, the FCC must be deeply knowledgeable of both the legal and technical aspects of the issues before it. That is why I sincerely hope that my colleagues join Senator KAUFMAN and me in supporting this important legislation.

Mr. KAUFMAN. Mr. President, I am proud to cosponsor a bill Senator SNOWE introduced today to conduct a study on the technical policy decision-making process and the availability of technical personnel at the Federal Communications Commission, or FCC.

Professionals in the STEM fields of science, technology, engineering, and mathematics have always been our Nation's problem solvers. They help us solve great challenges in energy, health, security, and transportation. Their innovation creates jobs, jobs that will continue to lead us on the path to economic recovery.

Still, the number of STEM professionals in some of our government's most critical agencies has been declining. In 1948, the FCC had 720 engineers on staff. Today, while communications technologies have become increasingly complex, it has fewer than 300 engineers. Over the years, there has been a shift in the FCC from hiring engineers to hiring professional staff, resulting in a shortage of network engineers. What is more, a high proportion of these experienced engineers are eligible to retire within the next few years. That means that, as communications technology continues to change the way we engage our world, the FCC may face a critical shortage.

This legislation proposes a study by the National Academy of Sciences to address these issues. Specifically, the study will examine the FCC's technical policy decisionmaking, including if the FCC has the adequate resources, processes, and personnel in place to evaluate properly and to account for the technical aspects of the Commission's rulemaking process. It will also examine the current technical personnel staffing levels and FCC recruiting and hiring processes of technical staff and engineers. Finally, the study will provide recommendations to improve each of these areas.

It is critical that we include engineers in our Nation's technical policy and decision making, at the FCC and across the government. I am pleased that this study will explore the implications and offer recommendations for the decline of engineers in this important agency and I urge my colleagues to join me in supporting Senator SNOWE's efforts.

By Mrs. GILLIBRAND (for herself, Mr. KAUFMAN, Ms. SNOWE, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY):

S. 3043. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry

out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education; to the Committee on Health, Education, Labor, and Pensions.

Mrs. GILLIBRAND. Mr. President, I am pleased to lead a bipartisan group of Senators today to introduce the Engineering Education for Innovation Act, also called the E² for Innovation Act. Joining me in leading this are Senator KAUFMAN, Senator SNOWE, Senator MURRAY, Senator CANTWELL, and Senator KLOBUCHAR. The intent of this legislation is to competitively award planning and implementation grants for State educational agencies to integrate engineering education into K-12 curriculum and instruction to spark student interest in engineering through comprehensive K-12 engineering education including hands-on design and engineering components.

The bill increases the availability of K-12 engineering education curriculum and teacher professional development programs, encourages broader participation of girls and underrepresented minorities in K-12 engineering education, invests in afterschool engineering education programs, and the legislation also funds the research and evaluation of such efforts.

Our Nation today faces pressing technological challenges in renewable energy, biotechnology, health care technology, material science, and information technology. According to the National Science Board's 2010 Science and Engineering Indicators, only 5 percent of college graduates in the United States major in engineering, compared with 12 percent of European students, 20 percent of those in Asia and one-third in China. In addition, while women earn 58 percent of all bachelor's degrees, they constitute only 18.5 percent of bachelor's degrees awarded in engineering. African Americans hold only 4.6 percent and Hispanics hold only 7.2 percent of bachelor's degrees awarded in engineering.

As a woman, I am a strong proponent of programs that support girls and underrepresented minorities. Many K-12 students, especially girls and students from underrepresented groups or who are economically disadvantaged, and their teachers have little knowledge about the engineering design process or the many career possibilities in engineering. Today, we continue to have an untapped pool of potential technical workers, and we must leverage the diversity of these individuals to fuel the innovation necessary for our future global competitiveness.

I am committed to initiatives that enhance student participation in STEM, diversify the STEM pipeline and promote competence and confidence to teach engineering for preparing the next generation of our Nation's high tech workforce for a sustainable and competitive economy. Long term investments in STEM edu-

cation will pay rich dividends to our future economy by building capacity to innovate.

The introduction of engineering education has the potential to improve student learning and achievement in science and mathematics, increase awareness about what engineers do and of engineering as a potential career, and boost students' technological literacy. I want to thank all my colleagues for joining together to address the critical needs of our Nation in a bipartisan manner. I look forward to working together to move this legislation through this Congress.

Mr. KAUFMAN. Mr. President, I rise today to support the Engineering Education for Innovation Act, or E-squared for Innovation Act. I am proud to cosponsor this bill with Senator GILLIBRAND, introduced today, along with Senators SNOWE, CANTWELL, KLOBUCHAR, and MURRAY. This bill will help us meet the engineering education challenges I have often spoken about on the Senate floor by awarding, planning, and implementation grants to States to integrate engineering education into their K-12 curriculum and instruction. It also funds the research and evaluation of all such efforts.

I believe we are at a crucial moment for science, technology, engineering, and math, or STEM education. Today's engineers have a central role to play in developing the innovative technologies that will help our economy recover and promote real job growth. In turn, we must promote policies and programs that help to generate greater interest in STEM and actually lead to the production of a greater number of engineers.

Last year, the National Academy of Engineering and National Research Council released their seminal report on engineering in K-12 education. According to their report, K-12 engineering education can improve student learning and performance in science and math and increases students' technological literacy. It can also increase awareness of the engineering profession and boost student interest in pursuing a career in the field.

The report stressed the need for greater coordination among key stakeholders to develop common definitions and grade level appropriate goals for engineering education. It also emphasized the need for more research on the impacts of engineering education and potential models for implementation. The E-squared for Innovation Act seeks to address these recommendations in three ways.

First, the legislation awards planning grants to State educational agencies to review any existing engineering education resources in the State and to develop implementation plans to integrate K-12 engineering education into curriculum and instruction. Grantees must coordinate these activities with a number of partners, including the Governor's office, institutions of higher education, teachers and administrators

at public elementary and secondary schools, and other relevant players in the State.

Second, the E-squared for Innovation Act provides implementation grants to State educational agencies to carry out a number of activities, including developing academic standards, curricula, and assessments that include engineering; recruiting and training qualified teachers to deliver engineering education; and investing in afterschool engineering education programs. Priority will be given to applicants who serve a significant percentage of student populations underrepresented in engineering.

Third, the bill charges the Institute of Education Sciences with conducting research and evaluation on the grants awarded. These studies will determine the effectiveness of the programs and activities at improving student achievement in STEM education and assess how successful programs can be replicated.

The E-squared for Innovation Act is supported by a diverse list of 77 organizations. To name a few, supporters include the National Center for Technological Literacy, the American Society for Engineering Education, the Delaware Foundation for Science and Mathematics Education, IBM, Intel, the University of California, the National Society of Black Engineers, and the American Society of Mechanical Engineers—just to name a few. I am truly amazed but genuinely pleased at the wide-reaching support for this bill.

Norm Augustine, former CEO of Lockheed Martin, expressed strong support for the E-squared for Innovation Act, adding:

One of the many reasons our nation does not seem to attract young people into engineering is that many seem to have no idea what an engineer does. Although we attempt to teach math and science in K-12, seldom do we expose students to engineering.

Many in my home State recognize this problem and, consequently, support for STEM programs is growing in Delaware. Governor Jack Markell recently launched a STEM education council in Delaware to bring together teachers, business leaders, curriculum specialists, higher education representatives, and others to focus on innovative STEM programs and curricula that engage young people in Delaware in STEM education. The council will assist in Federal grant applications for STEM-related programs and support effective professional development programs in STEM areas.

In STEM-focused schools across Delaware, students are learning how to extract DNA from fruit, build robots that can throw balls, perform forensic investigations, make “slime” and lip balm, and more. It is through these types of comprehensive, hands-on activities that we will get young people interested in tackling and learning STEM subjects and eventually pursuing engineering jobs. The E-squared for Innovation Act is just the kind of program we

need to bolster these activities in Delaware and ensure more students nationwide have access to these exciting engineering opportunities.

I cannot stress enough how much I believe this Nation is at a crossroads in STEM education and that this is our opportunity to push forward and create an environment that will cultivate and encourage our next generation of engineers. They will foster the research and innovation that will help us solve challenges such as clean drinking water, lifesaving cures for cancer and disease, renewable energy, affordable health care, and environmental sustainability.

Our country is counting on these future engineers, and the E-squared for Innovation Act is a step in the right direction to support and encourage them.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 422—RECOGNIZING THE IMPORTANT PROGRESS MADE BY THE PEOPLE OF UKRAINE IN THE ESTABLISHMENT OF DEMOCRATIC INSTITUTIONS FOLLOWING THE PRESIDENTIAL RUN-OFF ELECTION ON FEBRUARY 7, 2010

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 422

Whereas adherence by Ukraine to democratic, transparent, and fair election standards has been necessary for full integration into the democratic community;

Whereas steps undertaken by Ukraine in recent years, including reform of election laws and regulations, the development of a pluralistic and independent press, and the establishment of public institutions that respect human rights and the rule of law, have enhanced Ukraine's progress toward democracy and prosperity;

Whereas the Organization for Security and Cooperation in Europe (OSCE) concluded that “most OSCE and Council of Europe commitments were met” with regard to the conduct of the run-off presidential election on February 7, 2010;

Whereas international monitoring groups concluded that prior elections in Ukraine on January 17, 2010, and in 2007, 2006, and 2004, were also generally in accordance with international election norms;

Whereas the United States has closely supported the people of Ukraine in their efforts to pursue a free and democratic future since the declaration of their independence in 1991;

Whereas the NATO Freedom Consolidation Act of 2007 (Public Law 110-17; 22 U.S.C. 1928 note), signed into law by President George W. Bush on April 9, 2007, recognized the progress made by Ukraine toward meeting the responsibilities and obligations for membership in the North Atlantic Treaty Organization (NATO) and designated Ukraine as eligible to receive assistance under the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note);

Whereas Ukraine has made steps toward integration within European institutions through a joint European Union-Ukraine Action Plan, as part of the European Neighbourhood Policy; and

Whereas the United States-Ukraine Strategic Partnership Commission was inaugu-

rated by Secretary of State Hillary Clinton and Ukrainian Foreign Minister Petro Poroshenko on December 9, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the important progress made by the people of Ukraine in establishing democratic institutions and carrying out peaceful elections on January 17 and February 7, 2010;

(2) supports ongoing progress by Ukraine in addressing remaining challenges in the electoral processes as identified by the Organization for Security and Cooperation in Europe and other international election monitoring entities;

(3) encourages all parties to respect the independence and territorial sovereignty of Ukraine, as well as the full integration of Ukraine into the international democratic community;

(4) pledges further support for the development of a fully free and open democratic system, as well as a transparent free market economy, in Ukraine; and

(5) reaffirms its commitment to engage the Government of Ukraine in further development of bilateral cooperation through the United States-Ukraine Strategic Partnership Commission.

Mr. LUGAR. Mr. President, I rise to recognize the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010. Voters recently elected Viktor Yanukovich as President of Ukraine in a process that international monitors declared to have generally comported with international election standards. This represents important progress towards the consolidation of democratic institutions that the U.S. has worked diligently to foster. Serving as President George W. Bush's envoy to the 2004 runoff election that resulted in what is now widely known as the “Orange revolution,” I had the opportunity to witness firsthand the great aspirations of the Ukrainian people for a government that responds to their needs. Given Ukraine's location on the periphery of NATO and the Russian Federation, as well as its role as the primary energy conduit to Europe, Ukraine's political development and external orientation greatly impact European security and U.S. policies in the region. A continuing partnership with the people of Ukraine and U.S. technical assistance programs on a range of issues, including nuclear security, non-proliferation, energy security, institution-building, and others, will serve to advance our vital national security interests. This U.S. engagement should also support ongoing progress by Ukraine in addressing the remaining challenges in the electoral processes as identified by international election monitoring entities. In recognition of the profound successes of U.S.-Ukrainian partnership, I am pleased to submit this resolution concerning the important progress made by the people of Ukraine in the establishment of democratic institutions.

SENATE RESOLUTION 423—COM-
MENDING THE NEW ORLEANS
SAINTS FOR WINNING SUPER
BOWL XLIV AND THE ENTIRE
“WHO DAT NATION” FOR THEIR
SUPPORT

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 423

Whereas on February 7, 2010, at Sun Life Stadium in Miami, Florida, the New Orleans Saints won Super Bowl XLIV, defeating the Indianapolis Colts by a score of 31-17;

Whereas on January 24, 2010, at the Louisiana Superdome in New Orleans, Louisiana, the New Orleans Saints won the National Football Conference Championship, defeating the Minnesota Vikings by a score of 31-28;

Whereas the New Orleans Saints won a franchise-record 13 games during the 2009 National Football League regular season;

Whereas the New Orleans Saints led the National Football League during the 2009 regular season in total offense, with 403.8 yards per game, total scoring, with 31.9 points per game, and defensive touchdowns, with 8 turnovers that were returned for touchdowns;

Whereas New Orleans Saints quarterback Drew Brees led the National Football League during the 2009 regular season in passer rating, with a rating of 109.6, completion percentage, with 70.6 percent of passes completed, and passing touchdowns, with 34 touchdowns thrown, and was also named the Most Valuable Player of Super Bowl XLIV;

Whereas quarterback Drew Brees, offensive tackle Jonathan Stinchcomb, offensive guard Jahri Evans, center Jonathan Goodwin, linebacker Jonathan Vilma, strong safety Roman Harper, and free safety Darren Sharper were named to the 2010 National Football Conference Pro Bowl team;

Whereas during his tenure with the New Orleans Saints, head coach Sean Payton has led the franchise to 38 regular season wins, 4 playoff wins, 2 National Football Conference championship games, and the first Super Bowl and National Football League Championship victories in the history of the team; and

Whereas the New Orleans Saints are the first professional sports franchise to bring a championship to the City of New Orleans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the New Orleans Saints for winning Super Bowl XLIV and the entire “Who Dat Nation” for their support;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in the success of the New Orleans Saints during the 2009 football season; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the New Orleans Saints.

SENATE RESOLUTION 424—CON-
GRATULATING THE BMW ORA-
CLE RACING TEAM FOR WINNING
THE THIRTY-THIRD AMERICA’S
CUP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 424

Whereas the America’s Cup is the oldest active trophy in international sports;

Whereas the United States was represented in the thirty-third America’s Cup by BMW ORACLE Racing;

Whereas the team was led by the owner, founder, and chief executive officer of Oracle Corporation, Larry Ellison, the chief executive officer of the team, Russell Coutts, and the skipper of the team, James Spithill;

Whereas BMW ORACLE Racing represents the Golden Gate Yacht Club located in San Francisco, California;

Whereas the boat of the BMW ORACLE Racing team, USA, is the largest and most technologically advanced boat to ever race for the America’s Cup;

Whereas USA was sourced and built entirely in the United States;

Whereas, on February 12, 2010, the BMW ORACLE Racing team won the first of the America’s Cup races with a 15 minutes, 28 seconds lead over the Swiss Defender, Alinghi;

Whereas, on February 14, 2010, the BMW ORACLE Racing team captured the thirty-third America’s Cup with a 5 minute, 26 second victory over the Swiss Defender, Alinghi, clinching the best of the series with a second victory; and

Whereas BMW ORACLE Racing has represented the United States with high standards, technological prowess, and great skill: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the entire BMW ORACLE Racing team for winning the thirty-third America’s Cup; and

(2) recognizes the BMW ORACLE Racing team, and specifically the founder and owner Larry Ellison, for the technological accomplishments of the team in the international sport of sailing.

SENATE RESOLUTION 425—CELE-
BRATING VOLUNTEERS IN SERV-
ICE TO AMERICA ON ITS 45TH
ANNIVERSARY AND RECOG-
NIZING ITS CONTRIBUTION TO
THE FIGHT AGAINST POVERTY

Mr. ROCKEFELLER (for himself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 425

Whereas Volunteers in Service to America (VISTA) has made an extraordinary contribution to alleviating poverty and improving American society since the program began in 1965;

Whereas more than 175,000 individuals of all ages and from different walks of life have answered VISTA’s call to devote a year of full-time service living and working in low-income communities to help eradicate poverty;

Whereas VISTA members have helped create many successful and sustainable community initiatives, including Head Start centers, credit unions, and neighborhood watch groups, with VISTA alumni going on to serve in leadership positions in government, private, and nonprofit sectors throughout the United States;

Whereas VISTA, which became part of AmeriCorps in 1993 and is administered by the Corporation for National and Community Service, annually engages more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs;

Whereas AmeriCorps VISTA members improve the lives of the most vulnerable citi-

zens in our Nation by fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology;

Whereas AmeriCorps VISTA members develop programs, recruit community volunteers, generate resources, manage projects, and enhance the ability of nonprofit organizations to become and remain sustainable, thereby strengthening the nonprofit sector in low-income communities across the United States;

Whereas AmeriCorps VISTA members generate more than \$100,000,000 in cash and in-kind resources annually for organizations throughout the Nation, as well as recruit and manage more than 1,000,000 volunteers who provide 10,000,000 hours of community service for local organizations; and

Whereas AmeriCorps VISTA acted swiftly to help implement the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), engaging more than 3,700 members in distressed communities to provide foreclosure prevention and financial counseling, expand college access, and support health care and independent living services: Now, therefore, be it

Resolved, That the Senate—

(1) commends the more than 175,000 men and women who have served in VISTA for their dedication and commitment to the fight against poverty;

(2) recognizes VISTA members for leveraging human, financial, and material resources to increase the ability of thousands of low-income areas across the country to address challenges and improve their communities; and

(3) encourages the continued commitment of VISTA members to creating and expanding programs designed to bring individuals and communities out of poverty.

Mr. ROCKEFELLER. Mr. President, I rise today, to celebrate a remarkable anniversary. This month, Volunteers in Service to America, better known as VISTA, celebrates the 45th anniversary of its founding. I am delighted to have Senator THAD COCHRAN of Mississippi as my cosponsor. Public service is a bipartisan issue.

Forty-five years of bringing people together, lifting communities up, fighting poverty, making America stronger.

Forty-five years of fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology.

Forty-five years of leveraging resources and building capacity while providing thousands of Americans the opportunity to devote a year of full-time service living and working in low-income communities to help eradicate poverty.

VISTA did not invent these ideas; America has a long and rich history of public service. But when John F. Kennedy became president, these enduring values found new life. The person in his new administration who truly pursued that vision with all his might was President Kennedy’s brother-in-law, Sargent Shriver. I will always know him as a hero and a friend.

He created a legacy of programs that promote social equality and human dignity—such as Legal Services, Job

Corps, and yes, VISTA. He was also the driving force behind the creation of the Peace Corps, which is how I originally came to know him.

When we first met in the early 1960s, I was still studying Chinese and interested in Southeast Asia affairs, but my life was quickly transformed after meeting Sargent Shriver.

He understood that one way to improve the world was to start with our own communities—and that if we unite together with a common mission of making our communities stronger, we can make the world a better place.

That was when I became a VISTA volunteer, shortly after the program began. I was lucky enough to come to West Virginia—and that was when my life changed forever. I often say that while I was technically born in New York, I was really born in West Virginia that year.

I truly believe that people are liberated when they get outside of themselves to help others.

When I first came to West Virginia, over 40 years ago, much of my work was with children who didn't have great opportunities in life. I was a VISTA member in Emmons, West Virginia, a small, coal mining community on the Boone-Kanawha County line.

It took me 6 months to finally be accepted by the community. I used to sit on the railroad tracks with the kids, throwing rocks and just talking with them. One day, one of the kids invited me into their home; then the others soon followed.

I had found what I wanted by working with this community—what my gut was telling me was important. I found out a few other things as well. There was not any organization in the community or a general effort to better the living conditions of the area.

Many of the children didn't even go to school because it was several miles to a paved road and the school board wouldn't send a bus to Emmons.

So, we fought for a school bus. We built a small library. We built a park. We started a baseball team. We didn't win a single game, but that wasn't what was important. It was opening up new possibilities for those kids.

My experience was just one of thousands. Since 1965, more than 175,000 Americans of all ages and walks of life have answered VISTA's call. I am proud to count myself as a member of that very special group.

So VISTA's anniversary is also my own. When I look back on VISTA beginnings, I see my own roots—the foundation on which I have built the rest of my life.

I got into politics shortly thereafter. I knew I could not be a VISTA forever, so I ran for the House of Delegates, knowing that was the way I could continue to make change.

I knew there were a thousand Emmons all across Appalachia. But everything that I have done in my career in public office has been grounded in the VISTA experience and in those kids

and families who taught me so much about life.

Today, VISTA, which became part of AmeriCorps in 1993, continues to engage more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs every year.

So to them—to VISTA's members, past and present—to its numerous devoted host organizations and communities which give as much to the program as they receive—to my friend and mentor Sargent Shriver—to everyone who carries on VISTA's noble work every day—congratulations and thank you.

Now, watch out. We have only just begun: In these times of enormous economic uncertainty and challenge, our nation needs VISTA's, courage, commitment and service more than ever. Your impact is real. I know without a doubt, from the bottom of my heart that for years to come, VISTA members will continue to transform our communities and our nation—for the better.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from West Virginia, Mr. ROCKEFELLER, in submitting a resolution to celebrate the 45th anniversary of the Volunteers in Service to America, or VISTA, program.

President Kennedy suggested in 1963 a program of national service that would provide assistance to those in need in urban and rural areas. Less than 2 years later, President Johnson launched the "War on Poverty," and included the VISTA program created by the Economic Opportunity Act of 1964.

Incorporated into the AmeriCorps network of programs in 1993, VISTA has been hard at work in the fight against poverty for 45 years. Today, the VISTA program is stronger than ever, placing 6,500 full-time volunteers at 1,200 nonprofit organizations and public agencies each year. These volunteers are committed to serving the needs of the poorest Americans at numerous program sites, and they are to be commended for their unselfish contributions to helping others.

I am proud to say that there are 87 VISTA volunteers at 21 program sites in my home State of Mississippi. I understand the sacrifices that are being made by these young men and women and the important impact that these volunteers have made in our communities.

I am pleased to congratulate VISTA on 45 years of distinguished service to our country.

SENATE CONCURRENT RESOLUTION 50—RECOGNIZING THE HISTORIC FOUNDING OF THE BLACK STUNTMEN'S ASSOCIATION AND THE COALITION OF BLACK STUNTMEN AND WOMEN

Mr. REID (for himself, Mr. BURRIS, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following concurrent resolu-

tion; which was referred to the Committee on the Judiciary:

S. CON. RES. 50

Whereas a group of African-American stuntmen, athletes, and extras founded the Black Stuntmen's Association in Los Angeles, California, in 1967 to combat racial discrimination and create equal opportunities for all people of color in the motion picture and television stunt industry;

Whereas the Coalition of Black Stuntmen and Women was formed in 1973 to continue the fight against racial bias in the industry;

Whereas motion picture and television productions at the time commonly featured White stuntmen and women as stunt doubles for African-American actors and those of other races, using makeup to darken their complexion in a process known as a "paint-down";

Whereas African-Americans were routinely denied job opportunities and formal training in the stunt industry due to lingering racism;

Whereas the increased use of African-American actors in motion pictures and television in the 1960s brought more attention to the common industry practice of using only White stuntmen and women;

Whereas the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women pursued legal action to bring additional diversity to the motion picture and television industry and continued to monitor compliance with the resulting agreements;

Whereas the original members of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women paved the way for greater racial equality in the motion picture and television industry in the ensuing years, but in many cases were unable to benefit from their hard-won victory;

Whereas the efforts of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women also helped tear down discriminatory barriers and prejudices in other parts of the motion picture and television industry, both in front of and behind the camera; and

Whereas members of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women have made a significant and lasting contribution to the quality of motion picture and television productions in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women, and

(2) honors the contributions of these organizations and their members in the fight for racial equality and justice in the motion picture and television industry.

Mr. REID. Mr. President, I rise today to acknowledge a group that has created opportunities for countless African American men and women in the film and television industry. I rise to submit this Senate Concurrent Resolution honoring the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women for their efforts to not only integrate, but enhance the television and film industry. This is a companion resolution identical to H. Con. Res. 190 submitted by my good friend, Congresswoman SHELLEY BERKLEY.

I take great pride in submitting this resolution not only because these individuals knocked down the walls of racial discrimination, but also because many of these pioneers now reside in my home State of Nevada.

In the 1950s and 1960s few African Americans had roles in television or film and rarely were given the opportunity to work as stuntmen and women. Most often, the few opportunities available to individuals willing to engage the dangerous work as stuntmen were taken by whites, who donned dark make-up to look like the black actors they were portraying.

To overcome the barrier of racism and many other obstacles to the entertainment industry, in 1967 a group of courageous men and women formed the Black Stuntmen's Association. Even though many had to work other jobs, they took it upon themselves to train each other, often meeting three to four nights a week for several hours. They trained in parks, on beaches and just about anywhere they could set up equipment to practice tumbles and flips. They eventually progressed to disciplined training in automobiles and driving techniques for cars and motorcycles.

These individuals are pioneers and would later work with the Coalition of Black Stuntmen and Women to fight racism in the entertainment industry. Their collective efforts have created opportunities for many that once never existed.

Eddie Smith; Earnie Robinson; Alex Brown; S.J. McGee; Harold Jones; Calvin Brown; Doug Lawrence; Cliff Strong; Alonzo Brown; Willie Harris; Joe Tilque; Henry King; Marvin Walters; Richard Washington; Jolly Brown; Greg Elam; William Upton; Wayne King, Sr.; Len Glasgow; Evelyn Cuffee; Jade David; Sharon Schaffer; Kym Washington; Louise Johnson; Toni Vaz; Dewitt Fonder; John Mitchell; Henry Graddy; Darell Giddens; Tony Brubaker; Bob Minor; Jophery Brown; Bennie Moore; Allen Oliney; John Sherrod.

While erasing the stains for racism is a never-ending task, I commend the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women for their work on behalf of the entertainment industry and our nation.

I hope my colleagues will join me and honoring them and cosponsor this resolution.

SENATE CONCURRENT RESOLUTION 51—HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 101ST ANNIVERSARY

Mr. DODD (for himself, Mr. REID, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. BURRIS, Mr. LAUTENBERG, Mr. HARKIN, Ms. LANDRIEU, Mr. CARDIN, Mrs. HAGAN, Mr. WHITEHOUSE, and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 51

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP"), origi-

nally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted;

Whereas in 2008 the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007, a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the organization's youngest President and Chief Executive Officer, Benjamin Todd Jealous, and by outlining a strategic plan to con-

front 21st century challenges in the critical areas of health, education, housing, criminal justice, and environment; and

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of Bold Dreams, Big Victories with a historic address from the first African-American president of the United States, Barack Obama: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 101st anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3333. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. WICKER, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 4154, to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes; which was ordered to lie on the table.

SA 3334. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3333. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. WICKER, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 4154, to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes; which was ordered to lie on the table; as follows:

After section 185, insert the following:

SEC. 186. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking "January 1, 2011" and inserting "January 1, 2013".

SA 3334. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make

technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN CERTAIN AREAS.

(a) IN GENERAL.—Notwithstanding the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.), or any other provision of law, no further extension or establishment of national monuments in areas described in subsection (b) may be undertaken.

(b) APPLICABLE AREAS.—Subsection (a) shall apply to—

- (1) the Northwest Sonoran Desert, Arizona;
- (2) the Berrycessa Snow Mountains, California;
- (3) the Bodie Hills, California;
- (4) the expansion of the Cascade-Siskiyou National Monument, California;
- (5) the Modoc Plateau, California;
- (6) the Vermillion Basin, Colorado;
- (7) the Northern Montana Prairie, Montana;
- (8) the Heart of the Great Basin, Nevada;
- (9) the Lesser Prairie Chicken Preserve, New Mexico;
- (10) the Otero Mesa, New Mexico;
- (11) the Owyhee Desert, Oregon and Nevada;
- (12) the Cedar Mesa region, Utah;
- (13) the San Rafael Swell, Utah; and
- (14) the San Juan Islands, Washington.

NOTICE OF HEARING

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 Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 4, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the Department of Energy’s implementation of programs authorized and funded under the American Recovery and Reinvestment Act of 2009.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 25, 2010, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 9 a.m., to conduct a hearing entitled “The Semiannual Monetary Policy Report to Congress.”

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 25, 2010, 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. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 25, 2010, 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.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 25, 2010, at 10 a.m.

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

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 2:30 p.m. to conduct a hearing entitled “Interagency Contracts (Part I): Overview and Recommendations for Reform.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 25, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February

25, 2010, at 9:30 a.m. in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on February 25, 2010, at 10:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Wednesday, February 24, 2010, the Senate passed H.R. 2847, as amended, as follows:

H.R. 2847

Resolved, That the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 2847) entitled “An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.”, with the following Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the “Hiring Incentives to Restore Employment Act”.

(b) *AMENDMENT OF 1986 CODE*.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

Sec. 101. Payroll tax forgiveness for hiring unemployed workers.

Sec. 102. Business credit for retention of certain newly hired individuals in 2010.

TITLE II—EXPENSING

Sec. 201. Increase in expensing of certain depreciable business assets.

TITLE III—QUALIFIED TAX CREDIT BONDS

Sec. 301. Issuer allowed refundable credit for certain qualified tax credit bonds.

TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

Sec. 401. Short title.

Subtitle A—Federal-aid Highways

Sec. 411. In general.

Sec. 412. Administrative expenses.

Sec. 413. Rescission of unobligated balances.

Sec. 414. Reconciliation of funds.

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

Sec. 421. Extension of National Highway Traffic Safety Administration Highway Safety Programs.

Sec. 422. Extension of Federal Motor Carrier Safety Administration Programs.

Sec. 423. Additional programs.

- Subtitle C—Public Transportation Programs
- Sec. 431. Allocation of funds for planning programs.
- Sec. 432. Special rule for urbanized area formula grants.
- Sec. 433. Allocating amounts for capital investment grants.
- Sec. 434. Apportionment of formula grants for other than urbanized areas.
- Sec. 435. Apportionment based on fixed guide-way factors.
- Sec. 436. Authorizations for public transportation.
- Sec. 437. Amendments to SAFETEA-LU.

Subtitle D—Revenue Provisions

- Sec. 441. Repeal of provision prohibiting the crediting of interest to the Highway Trust Fund.
- Sec. 442. Restoration of certain foregone interest to Highway Trust Fund.
- Sec. 443. Treatment of certain amounts appropriated to Highway Trust Fund.
- Sec. 444. Termination of transfers from highway trust fund for certain repayments and credits.
- Sec. 445. Extension of authority for expenditures.
- Sec. 446. Level of obligation limitations.

TITLE V—OFFSET PROVISIONS

Subtitle A—Foreign Account Tax Compliance

PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

- Sec. 501. Reporting on certain foreign accounts.
- Sec. 502. Repeal of certain foreign exceptions to registered bond requirements.

PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

- Sec. 511. Disclosure of information with respect to foreign financial assets.
- Sec. 512. Penalties for underpayments attributable to undisclosed foreign financial assets.
- Sec. 513. Modification of statute of limitations for significant omission of income in connection with foreign assets.

PART III—OTHER DISCLOSURE PROVISIONS

- Sec. 521. Reporting of activities with respect to passive foreign investment companies.
- Sec. 522. Secretary permitted to require financial institutions to file certain returns related to withholding on foreign transfers electronically.

PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

- Sec. 531. Clarifications with respect to foreign trusts which are treated as having a United States beneficiary.
- Sec. 532. Presumption that foreign trust has United States beneficiary.
- Sec. 533. Uncompensated use of trust property.
- Sec. 534. Reporting requirement of United States owners of foreign trusts.
- Sec. 535. Minimum penalty with respect to failure to report on certain foreign trusts.

PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

- Sec. 541. Substitute dividends and dividend equivalent payments received by foreign persons treated as dividends.

Subtitle B—Delay in Application of Worldwide Allocation of Interest

- Sec. 551. Delay in application of worldwide allocation of interest.

TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

SEC. 101. PAYROLL TAX FORGIVENESS FOR HIRING UNEMPLOYED WORKERS.

(a) IN GENERAL.—Section 3111 is amended by adding at the end the following new subsection:

“(d) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

“(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, of any qualified individual for services performed—

“(A) in a trade or business of such qualified employer, or

“(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer’s exemption under section 501.

“(2) QUALIFIED EMPLOYER.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified employer’ means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

“(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (A), the term ‘qualified employer’ includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

“(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term ‘qualified individual’ means any individual who—

“(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

“(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

“(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

“(D) is not an individual described in section 51(i)(1) (applied by substituting ‘qualified employer’ for ‘taxpayer’ each place it appears).

“(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.”.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) is amended by adding at the end the following new paragraph:

“(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term ‘wages’ shall not include any amount paid or incurred to a qualified individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.”.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

SEC. 102. BUSINESS CREDIT FOR RETENTION OF CERTAIN NEWLY HIRED INDIVIDUALS IN 2010.

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased by an amount equal to the product of—

(1) \$1,000, and

(2) the number of retained workers with respect to which subsection (b)(2) is first satisfied during such taxable year.

(b) RETAINED WORKER.—For purposes of this section, the term “retained worker” means any qualified individual (as defined in section 3111(d)(3) of the Internal Revenue Code of 1986)—

(1) who was employed by the taxpayer on any date during the taxable year,

(2) who was so employed by the taxpayer for a period of not less than 52 consecutive weeks, and

(3) whose wages for such employment during the last 26 weeks of such period equaled at least 80 percent of such wages for the first 26 weeks of such period.

(c) LIMITATION ON CARRYBACKS.—No portion of the unused business credit under section 38 of the Internal Revenue Code of 1986 for any taxable year which is attributable to the increase in the current year business credit under this section may be carried to a taxable year beginning before the date of the enactment of this section.

TITLE II—EXPENSING

SEC. 201. INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 is amended—

(1) by striking “(\$125,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (1) and inserting “(\$250,000 in the case of taxable years beginning after 2007 and before 2011)”.

(2) by striking “(\$500,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (2) and inserting “(\$800,000 in the case of taxable years beginning after 2007 and before 2011)”.

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE III—QUALIFIED TAX CREDIT BONDS

SEC. 301. ISSUER ALLOWED REFUNDABLE CREDIT FOR CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) CREDIT ALLOWED.—Section 6431 is amended by adding at the end the following new subsection:

“(f) APPLICATION OF SECTION TO CERTAIN QUALIFIED TAX CREDIT BONDS.—

“(1) IN GENERAL.—In the case of any specified tax credit bond—

“(A) such bond shall be treated as a qualified bond for purposes of this section,

“(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

“(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be—

“(i) in the case of a bond issued by a qualified small issuer, 65 percent of the amount of interest payable on such bond by such issuer with respect to such date, and

“(ii) in the case of a bond issued by any other person, 45 percent of the amount of interest payable on such bond by such issuer with respect to such date,

“(D) interest on any such bond shall be includible in gross income for purposes of this title,

“(E) no credit shall be allowed under section 54A with respect to such bond,

“(F) any payment made under subsection (b) shall not be includible as income for purposes of this title, and

“(G) the deduction otherwise allowed under this title to the issuer of such bond with respect to interest paid under such bond shall be reduced by the amount of the payment made under this section with respect to such interest.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) SPECIFIED TAX CREDIT BOND.—The term ‘specified tax credit bond’ means any qualified tax credit bond (as defined in section 54A(d)) if—

“(i) such bond is—

“(I) a new clean renewable energy bond (as defined in section 54C),

“(II) a qualified energy conservation bond (as defined in section 54D),

“(III) a qualified zone academy bond (as defined in section 54E), or

“(IV) a qualified school construction bond (as defined in section 54F), and

“(ii) the issuer of such bond makes an irrevocable election to have this subsection apply,

“(B) QUALIFIED SMALL ISSUER.—The term ‘qualified small issuer’ means, with respect to any calendar year, any issuer who is not reasonably expected to issue tax-exempt bonds (other than private activity bonds) and specified tax credit bonds (determined without regard to whether an election is made under this subsection) during such calendar year in an aggregate face amount exceeding \$30,000,000.”

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) is amended by striking “by the State” and inserting “by the State education agency (or such other agency as is authorized under State law to make such allocation)”.

(2) The second sentence of section 54F(e) is amended by striking “subsection (d)(4)” and inserting “paragraphs (2) and (4) of subsection (d)”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the “Surface Transportation Extension Act of 2010”.

Subtitle A—Federal-aid Highways

SEC. 411. IN GENERAL.

(a) IN GENERAL.—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), are incorporated by reference and shall continue in effect until December 31, 2010.

(b) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) for fiscal year 2010, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title); and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, a sum equal to ¼ of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal

year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) USE OF FUNDS.—

(1) FISCAL YEAR 2010.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(1) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(2) FISCAL YEAR 2011.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as ¼ of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(3) CALCULATION.—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the SAFETEA-LU (119 Stat. 1144) or any other law.

(4) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) for fiscal year 2010, shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of that fiscal year; and

(ii) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2011 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed ¼ of the limitation on obligations included in an Act making appropriations for fiscal year 2011.

(B) EXCEPTIONS.—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(1) for fiscal year 2010, only in an amount equal to \$639,000,000; and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, only in an amount equal to \$159,750,000.

(5) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obliga-

tion limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by ¼.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(2) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a State under subsection (b)(2) determined by ¼ of the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(3) TERRITORIES AND PUERTO RICO.—

(A) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(1) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by ¼ of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made

available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(C) **TERRITORY DEFINED.**—In this paragraph, the term “territory” means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(4) **ADDITIONAL FUNDS.**—

(A) **IN GENERAL.**—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) **RESERVATION AND REDISTRIBUTION OF FUNDS.**—Funds made available in accordance with paragraph (1) or (2) of subsection (c) or paragraph (1) or (2) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and

(ii) distributed to each State in accordance with paragraph (1) or (2) of subsection (c), or paragraph (1) or (2) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2009 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2009 for those projects and activities in all States.

(e) **EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.**—

(1) **IN GENERAL.**—The programs authorized under paragraphs (1) through (5) of section 5101(a) of the SAFETEA-LU (119 Stat. 1779) shall be continued—

(A) for fiscal year 2010, at the funding levels authorized for those programs for fiscal year 2009; and

(B) for the period beginning on October 1, 2010, and ending on December 31, 2010, at ¼ the funding levels authorized for those programs for fiscal year 2009.

(2) **DISTRIBUTION OF FUNDS.**—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) fiscal year 2010; or

(B) the period beginning on October 1, 2010, and ending on December 31, 2010.

(3) **ADDITIONAL FUNDS.**—

(A) **IN GENERAL.**—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) **DISTRIBUTION.**—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

SEC. 412. ADMINISTRATIVE EXPENSES.

(a) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) \$422,425,000 for fiscal year 2010; and

(2) \$105,606,250 for the period beginning on October 1, 2010, and ending on December 31, 2010.

(b) **CONTRACT AUTHORITY.**—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

SEC. 413. RESCISSION OF UNOBLIGATED BALANCES.

(a) **IN GENERAL.**—The Secretary of Transportation shall restore funds rescinded pursuant to section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937) to the States and to the programs from which the funds were rescinded.

(b) **ADMINISTRATION OF FUNDS.**—The restored amounts shall be administered in the same manner as the funds originally rescinded, except those funds may only be used with an obligation limitation provided in an Act making appropriations for Federal-aid highways and highway safety construction programs enacted after implementation of the rescission under section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937).

(c) **FUNDING.**—

(1) **IN GENERAL.**—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 to carry out this section an amount equal to the amount of funds rescinded under section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937).

(2) **AVAILABILITY FOR OBLIGATION.**—Funds authorized to be appropriated by this section shall be—

(A) made available under this section and available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall retain the characteristics of the funds originally rescinded; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of the fiscal year.

(d) **LIMITATION.**—No funds authorized to be restored under this section shall be restored after the end of fiscal year 2010.

SEC. 414. RECONCILIATION OF FUNDS.

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under this title by amounts apportioned or allocated pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111-68).

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 2001(a)(1) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$235,000,000 for fiscal year 2010, and \$58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 2001(a)(2) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$107,329,000 for fiscal year 2010, and \$27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**—

(1) **EXTENSION OF PROGRAM.**—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking “6” and inserting “8”; and

(B) in paragraph (4)(C), by striking “fifth and sixth” and inserting “fifth through eighth”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2001(a)(3) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 2001(a)(4) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$124,500,000 for fiscal year 2010, and \$31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(e) **STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.**—Section 2001(a)(5) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$34,500,000 for fiscal year 2010, and \$8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(f) **ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.**—

(1) **EXTENSION OF PROGRAM.**—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C), by striking “fifth, sixth, seventh, and eighth” and inserting “fifth through tenth”; and

(B) in subsection (b)(2)(C), by striking “2008 and 2009” and inserting “2008, 2009, 2010, and 2011”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2001(a)(6) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$139,000,000 for fiscal year 2010, and \$34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(g) **NATIONAL DRIVER REGISTER.**—Section 2001(a)(7) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$4,078,000 for fiscal year 2010, and \$1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(h) **HIGH VISIBILITY ENFORCEMENT PROGRAM.**—

(1) **EXTENSION OF PROGRAM.**—Section 2009(a) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “2009” and inserting “2011”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2001(a)(8) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$29,000,000 for fiscal year 2010, and \$7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(i) **MOTORCYCLIST SAFETY.**—

(1) **EXTENSION OF PROGRAM.**—Section 2010(d)(1)(B) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “and fourth” and inserting “fourth, fifth, and sixth”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2001(a)(9) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(j) **CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.**—

(1) **EXTENSION OF PROGRAM.**—Section 2011(c)(2) of the SAFETEA-LU (23 U.S.C. 405 note) is amended by striking “fourth fiscal year” and inserting “fourth, fifth, and sixth fiscal years”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2001(a)(10) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and” the last place it appears; and

(2) by striking “2009.” and inserting “2009, \$25,047,000 for fiscal year 2010, and \$6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of the SAFETEA-LU (119 Stat. 1520) is amended by striking “2009” and inserting “2011”.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of the SAFETEA-LU (23 U.S.C. 403 note) is amended by striking “2009” and inserting “2011”.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of the SAFETEA-LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking “2009” and inserting “2011”; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking “2009” and inserting “2011”.

SEC. 422. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$209,000,000 for fiscal year 2010; and
“(7) \$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) “(F) \$239,828,000 for fiscal year 2010; and
“(G) “(G) \$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(c) GRANT PROGRAMS.—Section 4101(c) of the SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1), by striking “2009.” and inserting “2009, and \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(2) in paragraph (2), by striking “2009.” and inserting “2009, \$32,000,000 for fiscal year 2010, and \$8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(3) in paragraph (3), by striking “2009.” and inserting “2009, \$5,000,000 for fiscal year 2010, and \$1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(4) in paragraph (4), by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(5) in paragraph (5), by striking “2009.” and inserting “2009, \$3,000,000 for fiscal year 2010, and \$756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k) of title 49, United States Code, is amended by striking “2009” in paragraph (2) and inserting “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is

amended by inserting “(and up to \$7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)” after “fiscal year”.

(f) COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d) of the SAFETEA-LU (119 Stat. 1736) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$8,000,000 for fiscal year 2010; and
“(6) \$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of the SAFETEA-LU (119 Stat. 1741) is amended by striking “and 2009” and inserting “2009, and 2010, and \$252,000 to the Federal Motor Carrier Safety Administration, and \$756,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of the SAFETEA-LU (119 Stat. 1744) is amended by striking “2009” and inserting “2009, 2010, and \$252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of the SAFETEA-LU (119 Stat. 1748) is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of the SAFETEA-LU (49 U.S.C. 14710 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

SEC. 423. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of the SAFETEA-LU (119 Stat. 1910) is amended by striking “through 2009” and inserting “through 2010, and \$315,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009,” and inserting “2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(2) in subsection (b)(1)(A), by striking “2010,” and inserting “and for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

Subtitle C—Public Transportation Programs

SEC. 431. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”.

SEC. 432. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking “2009” and inserting “2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010”;

(2) in subparagraph (A), by striking “2009,” and inserting “2010, and the period beginning October 1, 2010, and ending December 31, 2010.”; and

(3) in subparagraph (E)—

(A) in the subparagraph heading, by striking “AND 2009” and inserting “THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010”; and

(B) in the matter preceding clause (i), by striking “and 2009” and inserting “through

2010, and during the period beginning October 1, 2010, and ending December 31, 2010.”.

SEC. 433. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the heading, by striking “2009” and inserting “2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010”;

(B) in the matter preceding subparagraph (A), by striking “2009” and inserting “2010, and during the period beginning October 1, 2010, and ending December 31, 2010.”; and

(C) in subparagraph (A)(i), by striking “2009” and inserting “2010, and \$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(2) in paragraph (6)—

(A) in subparagraph (B), by striking “2009” and inserting “2010, and \$3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(B) in subparagraph (C), by striking “2009” and inserting “2010, and \$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010.”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(ii) in the matter preceding subclause (I), as so redesignated, by striking “\$10,000,000” and all that follows through “2009” and inserting the following:

“(i) FISCAL YEARS 2006 THROUGH 2010.—\$10,000,000 shall be available in each of fiscal years 2006 through 2010”; and

(iii) by inserting after subclause (VIII), as so redesignated, the following:

“(ii) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—\$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside 25 percent of each dollar amount specified in subclauses (I) through (VIII).”.

(B) in subparagraph (B), by inserting after “2009.” the following:

“(v) \$13,500,000 for fiscal year 2010.
“(vi) \$3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by inserting “, and during the period beginning October 1, 2010, and ending December 31, 2010,” after “fiscal year”;

(D) in subparagraph (D), by inserting “, and not less than \$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”; and

(E) in subparagraph (E), by inserting “, and \$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”.

SEC. 434. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

“(E) \$15,000,000 for fiscal year 2010.
“(F) \$3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.”.

SEC. 435. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009” and inserting “2010”; and

(2) by adding at the end the following:

“(g) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—The Secretary shall apportion amounts made available for fixed guideway modernization under section

5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).”.

SEC. 436. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) **FORMULA AND BUS GRANTS.**—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—
(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and
(C) by adding at the end the following:

“(E) \$8,360,565,000 for fiscal year 2010; and
“(F) \$2,090,141,250 for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “and \$113,500,000 for fiscal year 2009” and inserting “\$113,500,000 for each of fiscal years 2009 and 2010, and \$28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(B) in subparagraph (B), by striking “and \$4,160,365,000 for fiscal year 2009” and inserting “\$4,160,365,000 for each of fiscal years 2009 and 2010, and \$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by striking “and \$51,500,000 for fiscal year 2009” and inserting “\$51,500,000 for each of fiscal years 2009 and 2010, and \$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(D) in subparagraph (D), by striking “and \$1,666,500,000 for fiscal year 2009” and inserting “\$1,666,500,000 for each of fiscal years 2009 and 2010, and \$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(E) in subparagraph (E), by striking “and \$984,000,000 for fiscal year 2009” and inserting “\$984,000,000 for each of fiscal years 2009 and 2010, and \$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(F) in subparagraph (F), by striking “and \$133,500,000 for fiscal year 2009” and inserting “\$133,500,000 for each of fiscal years 2009 and 2010, and \$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(G) in subparagraph (G), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(H) in subparagraph (H), by striking “and \$164,500,000 for fiscal year 2009” and inserting “\$164,500,000 for each of fiscal years 2009 and 2010, and \$41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(I) in subparagraph (I), by striking “and \$92,500,000 for fiscal year 2009” and inserting “\$92,500,000 for each of fiscal years 2009 and 2010, and \$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(J) in subparagraph (J), by striking “and \$26,900,000 for fiscal year 2009” and inserting “\$26,900,000 for each of fiscal years 2009 and 2010, and \$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(K) in subparagraph (K), by striking “and \$3,500,000 for fiscal year 2009” and inserting “\$3,500,000 for each of fiscal years 2009 and 2010, and \$875,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(L) in subparagraph (L), by striking “and \$25,000,000 for fiscal year 2009” and inserting “\$25,000,000 for each of fiscal years 2009 and 2010, and \$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(M) in subparagraph (M), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”; and

(N) in subparagraph (N), by striking “and \$8,800,000 for fiscal year 2009” and inserting

“\$8,800,000 for each of fiscal years 2009 and 2010, and \$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010.”.

(b) **CAPITAL INVESTMENT GRANTS.**—Section 5338(c) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$2,000,000,000 for fiscal year 2010; and
“(6) \$500,000,000 for the period of October 1, 2010 through December 31, 2010.”.

(c) **RESEARCH AND UNIVERSITY RESEARCH CENTERS.**—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “and \$69,750,000 for fiscal year 2009” and inserting “\$69,750,000 for each of fiscal years 2009 and 2010, and \$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010.”; and
(2) by adding at the end the following:

“(3) **ADDITIONAL AUTHORIZATIONS.**—

“(A) **IN GENERAL.**—

“(i) **FISCAL YEAR 2010.**—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

“(ii) **OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.**—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through December 31, 2010, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

“(B) **UNIVERSITY CENTERS PROGRAM.**—

“(i) **FISCAL YEAR 2010.**—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

“(ii) **OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.**—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending December 31, 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such clause.

“(iii) **FUNDING.**—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

(d) **ADMINISTRATION.**—Section 5338(e) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$98,911,000 for fiscal year 2010; and
“(6) \$24,727,750 for the period beginning October 1, 2010, and ending December 31, 2010.”.

SEC. 437. AMENDMENTS TO SAFETEA-LU.

(a) **CONTRACTED PARATRANSIT PILOT.**—Section 3009(i)(1) of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1572) is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(b) **PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.**—Section 3011 of the SAFETEA-LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking “2009” and inserting “2010 and the period beginning October 1, 2010, and ending December 31, 2010.”; and
(2) in subsection (d), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(c) **ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.**—Section 3012(b)(8) of the SAFETEA-LU (49 U.S.C. 5310 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

(d) **OBLIGATION CEILING.**—Section 3040 of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1639) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) \$10,507,752,000 for fiscal year 2010, of which not more than \$8,360,565,000 shall be from the Mass Transit Account; and

“(7) \$2,626,938,000 for the period beginning October 1, 2010, and ending December 31, 2010, of which not more than \$2,090,141,250 shall be from the Mass Transit Account.”.

(e) **PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.**—Section 3043 of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”; and
(2) in subsection (c), in the matter preceding paragraph (1), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”.

(f) **ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.**—Section 3046 of the SAFETEA-LU (49 U.S.C. 5338 note) is amended—

(1) in subsection (b), by inserting “or period” after “fiscal year”; and
(2) by adding at the end the following:

“(c) **ADDITIONAL APPROPRIATIONS.**—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—
“(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and
“(2) for the period beginning October 1, 2010, and ending December 31, 2010, in amounts equal to 25 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).”.

“(d) **FUNDING.**—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

“(e) **FUNDING.**—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

“(f) **FUNDING.**—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

Subtitle D—Revenue Provisions
SEC. 441. REPEAL OF PROVISION PROHIBITING THE CREDITING OF INTEREST TO THE HIGHWAY TRUST FUND.

(a) **IN GENERAL.**—Paragraph (1) of section 9503(f) is amended by striking subparagraph (B).

(b) **CONFORMING AMENDMENTS.**—Such paragraph, as amended by paragraph (1), is further amended—

(1) by striking “, and” at the end of subparagraph (A) and inserting a period; and

(2) by striking “1998” in the matter preceding subparagraph (A) and all that follows through “the opening balance” and inserting “1998, the opening balance”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this title.

SEC. 442. RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.

(a) **IN GENERAL.**—Paragraph (2) of section 9503(f) is amended to read as follows:

“(2) **RESTORATION OF FOREGONE INTEREST.**—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.”

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 9503(e) is amended by striking “this subsection” and inserting “this section”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 443. TREATMENT OF CERTAIN AMOUNTS APPROPRIATED TO HIGHWAY TRUST FUND.

(a) **IN GENERAL.**—Section 9503(f), as amended by this Act, is amended by adding at the end the following new paragraph:

“(4) **TREATMENT OF APPROPRIATED AMOUNTS.**—Any amount appropriated under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 444. TERMINATION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.

(a) **IN GENERAL.**—Section 9503(c) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 9502(a) is amended by striking “section 9503(c)(7)” and inserting “section 9503(c)(5)”.

(2) Section 9503(b)(4)(D) is amended by striking “paragraph (4)(D) or (5)(B)” and inserting “paragraph (3)(D) or (4)(B)”.

(3) Paragraph (2) of section 9503(c), as redesignated by subsection (a), is amended by adding at the end the following new sentence: “The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.”

(4) Section 9503(e)(5)(A) is amended by striking “(2), (3), and (4)” and inserting “(2) and (3)”.

(5) Section 9504(a) is amended by striking “section 9503(c)(4), section 9503(c)(5)” and inserting “section 9503(c)(3), section 9503(c)(4)”.

(6) Section 9504(b)(2) is amended by striking “section 9503(c)(5)” and inserting “section 9503(c)(4)”.

(7) Section 9504(e) is amended by striking “section 9503(c)(4)” and inserting section “9503(c)(3)”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to transfers relating to amounts paid and credits allowed after the date of the enactment of this Act.

SEC. 445. EXTENSION OF AUTHORITY FOR EXPENDITURES.

(a) **HIGHWAYS TRUST FUND.**—

(1) **HIGHWAY ACCOUNT.**—Paragraph (1) of section 9503(c) is amended—

(A) by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”;

(B) by striking “under” and all that follows and inserting “under the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”

(2) **MASS TRANSIT ACCOUNT.**—Paragraph (3) of section 9503(e) is amended—

(A) by striking “October 1, 2009” and inserting “January 1, 2011”;

(B) by striking “in accordance with” and all that follows and inserting “in accordance with the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”

(3) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Subparagraph (B) of section 9503(b)(6) is amended by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”.

(b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (2) of section 9504(b) is amended—

(A) by striking “(as in effect” in subparagraph (A) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”;

(B) by striking “(as in effect” in subparagraph (B) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010), and”;

(C) by striking “(as in effect” in subparagraph (C) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”

(2) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Paragraph (2) of section 9504(d) is amended by striking “October 1, 2009” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on September 30, 2009.

SEC. 446. LEVEL OF OBLIGATION LIMITATIONS.

(a) **HIGHWAY CATEGORY.**—Section 8003(a) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on September 30, 2010, \$42,469,970,178.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$10,617,492,545.”

(b) **MASS TRANSIT CATEGORY.**—Section 8003(b) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on December 31, 2010, \$10,338,065,000.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$2,584,516,250.”

(c) **TREATMENT OF FUNDS.**—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010 or fiscal year 2011.

TITLE V—OFFSET PROVISIONS

**Subtitle A—Foreign Account Tax Compliance
PART I—INCREASED DISCLOSURE OF
BENEFICIAL OWNERS**

SEC. 501. REPORTING ON CERTAIN FOREIGN ACCOUNTS.

(a) **IN GENERAL.**—The Internal Revenue Code of 1986 is amended by inserting after chapter 3 the following new chapter:

“CHAPTER 4—TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS

“Sec. 1471. Withholdable payments to foreign financial institutions.

“Sec. 1472. Withholdable payments to other foreign entities.

“Sec. 1473. Definitions.

“Sec. 1474. Special rules.

“SEC. 1471. WITHHOLDABLE PAYMENTS TO FOREIGN FINANCIAL INSTITUTIONS.

“(a) **IN GENERAL.**—In the case of any withholdable payment to a foreign financial institution which does not meet the requirements of subsection (b), the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) **REPORTING REQUIREMENTS, ETC.**—

“(1) **IN GENERAL.**—The requirements of this subsection are met with respect to any foreign financial institution if an agreement is in effect between such institution and the Secretary under which such institution agrees—

“(A) to obtain such information regarding each holder of each account maintained by such institution as is necessary to determine which (if any) of such accounts are United States accounts,

“(B) to comply with such verification and due diligence procedures as the Secretary may require with respect to the identification of United States accounts,

“(C) in the case of any United States account maintained by such institution, to report on an annual basis the information described in subsection (c) with respect to such account,

“(D) to deduct and withhold a tax equal to 30 percent of—

“(i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection, and

“(ii) in the case of any passthru payment which is made by such institution to a foreign financial institution which has in effect an election under paragraph (3) with respect to such payment, so much of such payment as is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection,

“(E) to comply with requests by the Secretary for additional information with respect to any United States account maintained by such institution, and

“(F) in any case in which any foreign law would (but for a waiver described in clause (i)) prevent the reporting of any information referred to in this subsection or subsection (c) with respect to any United States account maintained by such institution—

“(i) to attempt to obtain a valid and effective waiver of such law from each holder of such account, and

“(ii) if a waiver described in clause (i) is not obtained from each such holder within a reasonable period of time, to close such account.

Any agreement entered into under this subsection may be terminated by the Secretary upon a determination by the Secretary that the foreign financial institution is out of compliance with such agreement.

“(2) **FINANCIAL INSTITUTIONS DEEMED TO MEET REQUIREMENTS IN CERTAIN CASES.**—A foreign financial institution may be treated by the Secretary as meeting the requirements of this subsection if—

“(A) such institution—

“(i) complies with such procedures as the Secretary may prescribe to ensure that such institution does not maintain United States accounts, and

“(ii) meets such other requirements as the Secretary may prescribe with respect to accounts of other foreign financial institutions maintained by such institution, or

“(B) such institution is a member of a class of institutions with respect to which the Secretary has determined that the application of this section is not necessary to carry out the purposes of this section.

“(3) ELECTION TO BE WITHHELD UPON RATHER THAN WITHHOLD ON PAYMENTS TO RECALCITRANT ACCOUNT HOLDERS AND NONPARTICIPATING FOREIGN FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which meets the requirements of this subsection and such other requirements as the Secretary may provide and which elects the application of this paragraph—

“(A) the requirements of paragraph (1)(D) shall not apply,

“(B) the withholding tax imposed under subsection (a) shall apply with respect to any withholdable payment to such institution to the extent such payment is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection, and

“(C) the agreement described in paragraph (1) shall—

“(i) require such institution to notify the withholding agent with respect to each such payment of the institution’s election under this paragraph and such other information as may be necessary for the withholding agent to determine the appropriate amount to deduct and withhold from such payment, and

“(ii) include a waiver of any right under any treaty of the United States with respect to any amount deducted and withheld pursuant to an election under this paragraph.

To the extent provided by the Secretary, the election under this paragraph may be made with respect to certain classes or types of accounts of the foreign financial institution.

“(c) INFORMATION REQUIRED TO BE REPORTED ON UNITED STATES ACCOUNTS.—

“(1) IN GENERAL.—The agreement described in subsection (b) shall require the foreign financial institution to report the following with respect to each United States account maintained by such institution:

“(A) The name, address, and TIN of each account holder which is a specified United States person and, in the case of any account holder which is a United States owned foreign entity, the name, address, and TIN of each substantial United States owner of such entity.

“(B) The account number.

“(C) The account balance or value (determined at such time and in such manner as the Secretary may provide).

“(D) Except to the extent provided by the Secretary, the gross receipts and gross withdrawals or payments from the account (determined for such period and in such manner as the Secretary may provide).

“(2) ELECTION TO BE SUBJECT TO SAME REPORTING AS UNITED STATES FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which elects the application of this paragraph—

“(A) subparagraphs (C) and (D) of paragraph (1) shall not apply, and

“(B) the agreement described in subsection (b) shall require such foreign financial institution to report such information with respect to each United States account maintained by such institution as such institution would be required to report under sections 6041, 6042, 6045, and 6049 if—

“(i) such institution were a United States person, and

“(ii) each holder of such account which is a specified United States person or United States owned foreign entity were a natural person and citizen of the United States.

An election under this paragraph shall be made at such time, in such manner, and subject to such conditions as the Secretary may provide.

“(3) SEPARATE REQUIREMENTS FOR QUALIFIED INTERMEDIARIES.—In the case of a foreign financial institution which is treated as a quali-

fied intermediary by the Secretary for purposes of section 1441 and the regulations issued thereunder, the requirements of this section shall be in addition to any reporting or other requirements imposed by the Secretary for purposes of such treatment.

“(d) DEFINITIONS.—For purposes of this section—

“(1) UNITED STATES ACCOUNT.—

“(A) IN GENERAL.—The term ‘United States account’ means any financial account which is held by one or more specified United States persons or United States owned foreign entities.

“(B) EXCEPTION FOR CERTAIN ACCOUNTS HELD BY INDIVIDUALS.—Unless the foreign financial institution elects to not have this subparagraph apply, such term shall not include any depository account maintained by such financial institution if—

“(i) each holder of such account is a natural person, and

“(ii) with respect to each holder of such account, the aggregate value of all depository accounts held (in whole or in part) by such holder and maintained by the same financial institution which maintains such account does not exceed \$50,000.

To the extent provided by the Secretary, financial institutions which are members of the same expanded affiliated group shall be treated for purposes of clause (ii) as a single financial institution.

“(C) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Such term shall not include any financial account in a foreign financial institution if—

“(i) such account is held by another financial institution which meets the requirements of subsection (b), or

“(ii) the holder of such account is otherwise subject to information reporting requirements which the Secretary determines would make the reporting required by this section with respect to United States accounts duplicative.

“(2) FINANCIAL ACCOUNT.—Except as otherwise provided by the Secretary, the term ‘financial account’ means, with respect to any financial institution—

“(A) any depository account maintained by such financial institution,

“(B) any custodial account maintained by such financial institution, and

“(C) any equity or debt interest in such financial institution (other than interests which are regularly traded on an established securities market).

Any equity or debt interest which constitutes a financial account under subparagraph (C) with respect to any financial institution shall be treated for purposes of this section as maintained by such financial institution.

“(3) UNITED STATES OWNED FOREIGN ENTITY.—The term ‘United States owned foreign entity’ means any foreign entity which has one or more substantial United States owners.

“(4) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ means any financial institution which is a foreign entity. Except as otherwise provided by the Secretary, such term shall not include a financial institution which is organized under the laws of any possession of the United States.

“(5) FINANCIAL INSTITUTION.—Except as otherwise provided by the Secretary, the term ‘financial institution’ means any entity that—

“(A) accepts deposits in the ordinary course of a banking or similar business,

“(B) as a substantial portion of its business, holds financial assets for the account of others, or

“(C) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in section 475(e)(2)), or any interest (including a futures or forward contract

or option) in such securities, partnership interests, or commodities.

“(6) RECALCITRANT ACCOUNT HOLDER.—The term ‘recalcitrant account holder’ means any account holder which—

“(A) fails to comply with reasonable requests for the information referred to in subsection (b)(1)(A) or (c)(1)(A), or

“(B) fails to provide a waiver described in subsection (b)(1)(F) upon request.

“(7) PASSTHRU PAYMENT.—The term ‘passthrough payment’ means any withholdable payment or other payment to the extent attributable to a withholdable payment.

“(e) AFFILIATED GROUPS.—

“(1) IN GENERAL.—The requirements of subsections (b) and (c)(1) shall apply—

“(A) with respect to United States accounts maintained by the foreign financial institution, and

“(B) except as otherwise provided by the Secretary, with respect to United States accounts maintained by each other foreign financial institution (other than any foreign financial institution which meets the requirements of subsection (b)) which is a member of the same expanded affiliated group as such foreign financial institution.

“(2) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(A) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(B) without regard to paragraphs (2) and (3) of section 1504(b).

A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(f) EXCEPTION FOR CERTAIN PAYMENTS.—Subsection (a) shall not apply to any payment to the extent that the beneficial owner of such payment is—

“(1) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(2) any international organization or any wholly owned agency or instrumentality thereof,

“(3) any foreign central bank of issue, or

“(4) any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

“SEC. 1472. WITHHOLDABLE PAYMENTS TO OTHER FOREIGN ENTITIES.

“(a) IN GENERAL.—In the case of any withholdable payment to a non-financial foreign entity, if—

“(1) the beneficial owner of such payment is such entity or any other non-financial foreign entity, and

“(2) the requirements of subsection (b) are not met with respect to such beneficial owner,

then the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) REQUIREMENTS FOR WAIVER OF WITHHOLDING.—The requirements of this subsection are met with respect to the beneficial owner of a payment if—

“(1) such beneficial owner or the payee provides the withholding agent with either—

“(A) a certification that such beneficial owner does not have any substantial United States owners, or

“(B) the name, address, and TIN of each substantial United States owner of such beneficial owner,

“(2) the withholding agent does not know, or have reason to know, that any information provided under paragraph (1) is incorrect, and

“(3) the withholding agent reports the information provided under paragraph (1)(B) to the Secretary in such manner as the Secretary may provide.

“(c) EXCEPTIONS.—Subsection (a) shall not apply to—

“(1) except as otherwise provided by the Secretary, any payment beneficially owned by—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation described in subparagraph (A),

“(C) any entity which is organized under the laws of a possession of the United States and which is wholly owned by one or more bona fide residents (as defined in section 937(a)) of such possession,

“(D) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(E) any international organization or any wholly owned agency or instrumentality thereof,

“(F) any foreign central bank of issue, or

“(G) any other class of persons identified by the Secretary for purposes of this subsection, and

“(2) any class of payments identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

“(d) NON-FINANCIAL FOREIGN ENTITY.—For purposes of this section, the term ‘non-financial foreign entity’ means any foreign entity which is not a financial institution (as defined in section 1471(d)(5)).

“SEC. 1473. DEFINITIONS.

“For purposes of this chapter—

“(1) WITHHOLDABLE PAYMENT.—Except as otherwise provided by the Secretary—

“(A) IN GENERAL.—The term ‘withholdable payment’ means—

“(i) any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical gains, profits, and income, if such payment is from sources within the United States, and

“(ii) any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States.

“(B) EXCEPTION FOR INCOME CONNECTED WITH UNITED STATES BUSINESS.—Such term shall not include any item of income which is taken into account under section 871(b)(1) or 882(a)(1) for the taxable year.

“(C) SPECIAL RULE FOR SOURCING INTEREST PAID BY FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS.—Subparagraph (B) of section 861(a)(1) shall not apply.

“(2) SUBSTANTIAL UNITED STATES OWNER.—

“(A) IN GENERAL.—The term ‘substantial United States owner’ means—

“(i) with respect to any corporation, any specified United States person which owns, directly or indirectly, more than 10 percent of the stock of such corporation (by vote or value),

“(ii) with respect to any partnership, any specified United States person which owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership, and

“(iii) in the case of a trust—

“(I) any specified United States person treated as an owner of any portion of such trust under subpart E of part I of subchapter J of chapter 1, and

“(II) to the extent provided by the Secretary in regulations or other guidance, any specified United States person which holds, directly or indirectly, more than 10 percent of the beneficial interests of such trust.

“(B) SPECIAL RULE FOR INVESTMENT VEHICLES.—In the case of any financial institution described in section 1471(d)(5)(C), clauses (i), (ii), and (iii) of subparagraph (A) shall be applied by substituting ‘0 percent’ for ‘10 percent’.

“(3) SPECIFIED UNITED STATES PERSON.—Except as otherwise provided by the Secretary, the term ‘specified United States person’ means any United States person other than—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation the stock of which is regularly traded on an established securities market,

“(C) any organization exempt from taxation under section 501(a) or an individual retirement plan,

“(D) the United States or any wholly owned agency or instrumentality thereof,

“(E) any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(F) any bank (as defined in section 581),

“(G) any real estate investment trust (as defined in section 856),

“(H) any regulated investment company (as defined in section 851),

“(I) any common trust fund (as defined in section 584(a)), and

“(J) any trust which—

“(i) is exempt from tax under section 664(c), or

“(ii) is described in section 4947(a)(1).

“(4) WITHHOLDING AGENT.—The term ‘withholding agent’ means all persons, in whatever capacity acting, having the control, receipt, custody, disposal, or payment of any withholdable payment.

“(5) FOREIGN ENTITY.—The term ‘foreign entity’ means any entity which is not a United States person.

“SEC. 1474. SPECIAL RULES.

“(a) LIABILITY FOR WITHHELD TAX.—Every person required to deduct and withhold any tax under this chapter is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

“(b) CREDITS AND REFUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the determination of whether any tax deducted and withheld under this chapter results in an overpayment by the beneficial owner of the payment to which such tax is attributable shall be made as if such tax had been deducted and withheld under subchapter A of chapter 3.

“(2) SPECIAL RULE WHERE FOREIGN FINANCIAL INSTITUTION IS BENEFICIAL OWNER OF PAYMENT.—

“(A) IN GENERAL.—In the case of any tax properly deducted and withheld under section 1471 from a specified financial institution payment—

“(i) if the foreign financial institution referred to in subparagraph (B) with respect to such payment is entitled to a reduced rate of tax with respect to such payment by reason of any treaty obligation of the United States—

“(I) the amount of any credit or refund with respect to such tax shall not exceed the amount of credit or refund attributable to such reduction in rate, and

“(II) no interest shall be allowed or paid with respect to such credit or refund, and

“(ii) if such foreign financial institution is not so entitled, no credit or refund shall be allowed or paid with respect to such tax.

“(B) SPECIFIED FINANCIAL INSTITUTION PAYMENT.—The term ‘specified financial institution payment’ means any payment if the beneficial owner of such payment is a foreign financial institution.

“(3) REQUIREMENT TO IDENTIFY SUBSTANTIAL UNITED STATES OWNERS.—No credit or refund shall be allowed or paid with respect to any tax properly deducted and withheld under this chapter unless the beneficial owner of the payment provides the Secretary such information as the Secretary may require to determine whether such beneficial owner is a United States owned foreign entity (as defined in section 1471(d)(3)) and the identity of any substantial United States owners of such entity.

“(c) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—For purposes of this chapter, rules similar to the rules of section 3406(f) shall apply.

“(2) DISCLOSURE OF LIST OF PARTICIPATING FOREIGN FINANCIAL INSTITUTIONS PERMITTED.—The identity of a foreign financial institution which meets the requirements of section 1471(b) shall not be treated as return information for purposes of section 6103.

“(d) COORDINATION WITH OTHER WITHHOLDING PROVISIONS.—The Secretary shall provide for the coordination of this chapter with other withholding provisions under this title, including providing for the proper crediting of amounts deducted and withheld under this chapter against amounts required to be deducted and withheld under such other provisions.

“(e) TREATMENT OF WITHHOLDING UNDER AGREEMENTS.—Any tax deducted and withheld pursuant to an agreement described in section 1471(b) shall be treated for purposes of this title as a tax deducted and withheld by a withholding agent under section 1471(a).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of, and prevent the avoidance of, this chapter.”

(b) SPECIAL RULE FOR INTEREST ON OVERPAYMENTS.—Subsection (e) of section 6611 is amended by adding at the end the following new paragraph:

“(4) CERTAIN WITHHOLDING TAXES.—In the case of any overpayment resulting from tax deducted and withheld under chapter 3 or 4, paragraphs (1), (2), and (3) shall be applied by substituting ‘180 days’ for ‘45 days’ each place it appears.”

(c) CONFORMING AMENDMENTS.—

(1) Section 6414 is amended by inserting “or 4” after “chapter 3”.

(2) Paragraph (1) of section 6501(b) is amended by inserting “4,” after “chapter 3.”

(3) Paragraph (2) of section 6501(b) is amended—

(A) by inserting “4,” after “chapter 3,” in the text thereof, and

(B) by striking “TAXES AND TAX IMPOSED BY CHAPTER 3” in the heading thereof and inserting “AND WITHHOLDING TAXES”.

(4) Paragraph (3) of section 6513(b) is amended—

(A) by inserting “or 4” after “chapter 3,” and

(B) by inserting “or 1474(b)” after “section 1462”.

(5) Subsection (c) of section 6513 is amended by inserting “4,” after “chapter 3.”

(6) Paragraph (1) of section 6724(d) is amended by inserting “under chapter 4 or” after “filed with the Secretary” in the last sentence thereof.

(7) Paragraph (2) of section 6724(d) is amended by inserting “or 4” after “chapter 3”.

(8) The table of chapters of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 4. TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS.”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to payments made after December 31, 2012.

(2) GRANDFATHERED TREATMENT OF OUTSTANDING OBLIGATIONS.—The amendments made

by this section shall not require any amount to be deducted or withheld from any payment under any obligation outstanding on the date which is 2 years after the date of the enactment of this Act or from the gross proceeds from any disposition of such an obligation.

(3) **INTEREST ON OVERPAYMENTS.**—The amendment made by subsection (b) shall apply—

(A) in the case of such amendment's application to paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986, to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act,

(B) in the case of such amendment's application to paragraph (2) of such section, to claims for credit or refund of any overpayment filed after the date of the enactment of this Act (regardless of the taxable period to which such refund relates), and

(C) in the case of such amendment's application to paragraph (3) of such section, to refunds paid after the date of the enactment of this Act (regardless of the taxable period to which such refund relates).

SEC. 502. REPEAL OF CERTAIN FOREIGN EXCEPTIONS TO REGISTERED BOND REQUIREMENTS.

(a) **REPEAL OF EXCEPTION TO DENIAL OF DEDUCTION FOR INTEREST ON NON-REGISTERED BONDS.**—

(1) **IN GENERAL.**—Paragraph (2) of section 163(f) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(2) **CONFORMING AMENDMENTS.**—

(A) Paragraph (2) of section 149(a) is amended by inserting “or” at the end of subparagraph (A), by striking “, or” at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(B) Subparagraph (A) of section 163(f)(2) is amended by inserting “or” at the end of clause (ii), by striking “, or” at the end of clause (iii) and inserting a period, and by striking clause (iv).

(C) Subparagraph (B) of section 163(f)(2), as redesignated by paragraph (1), is amended—

(i) by striking “, and subparagraph (B),” in the matter preceding clause (i), and

(ii) by amending clause (i) to read as follows:

“(i) such obligation is of a type which the Secretary has determined by regulations to be used frequently in avoiding Federal taxes, and”.

(D) Sections 165(j)(2)(A) and 1287(b)(1) are each amended by striking “except that clause (iv) of subparagraph (A), and subparagraph (B), of such section shall not apply”.

(b) **REPEAL OF TREATMENT AS PORTFOLIO DEBT.**—

(1) **IN GENERAL.**—Paragraph (2) of section 871(h) is amended to read as follows:

“(2) **PORTFOLIO INTEREST.**—For purposes of this subsection, the term ‘portfolio interest’ means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441(a) receives a statement (which meets the requirements of paragraph (5)) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 871(h)(3)(A) is amended by striking “subparagraph (A) or (B) of”.

(B) Paragraph (2) of section 881(c) is amended to read as follows:

“(2) **PORTFOLIO INTEREST.**—For purposes of this subsection, the term ‘portfolio interest’

means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) receives a statement which meets the requirements of section 871(h)(5) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(c) **DEMATERIALIZED BOOK ENTRY SYSTEMS TREATED AS REGISTERED FORM.**—Paragraph (3) of section 163(f) is amended by inserting “, except that a dematerialized book entry system or other book entry system specified by the Secretary shall be treated as a book entry system described in such section” before the period at the end.

(d) **REPEAL OF EXCEPTION TO REQUIREMENT THAT TREASURY OBLIGATIONS BE IN REGISTERED FORM.**—

(1) **IN GENERAL.**—Subsection (g) of section 3121 of title 31, United States Code, is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) **CONFORMING AMENDMENTS.**—Paragraph (1) of section 3121(g) of such title is amended—

(A) by adding “or” at the end of subparagraph (A),

(B) by striking “, or” at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(e) **PRESERVATION OF EXCEPTION FOR EXCISE TAX PURPOSES.**—Paragraph (1) of section 4701(b) is amended to read as follows:

“(1) **REGISTRATION-REQUIRED OBLIGATION.**—

“(A) **IN GENERAL.**—The term ‘registration-required obligation’ has the same meaning as when used in section 163(f), except that such term shall not include any obligation which—

“(i) is required to be registered under section 149(a), or

“(ii) is described in subparagraph (B).

“(B) **CERTAIN OBLIGATIONS NOT INCLUDED.**—An obligation is described in this subparagraph if—

“(i) there are arrangements reasonably designed to ensure that such obligation will be sold (or resold in connection with the original issue) only to a person who is not a United States person,

“(ii) interest on such obligation is payable only outside the United States and its possessions, and

“(iii) on the face of such obligation there is a statement that any United States person who holds such obligation will be subject to limitations under the United States income tax laws.”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after the date which is 2 years after the date of the enactment of this Act.

PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

SEC. 511. DISCLOSURE OF INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

(a) **IN GENERAL.**—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

“SEC. 6038D. INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

“(a) **IN GENERAL.**—Any individual who, during any taxable year, holds any interest in a specified foreign financial asset shall attach to such person's return of tax imposed by subtitle A for such taxable year the information described in subsection (c) with respect to each such asset if the aggregate value of all such assets exceeds \$50,000 (or such higher dollar amount as the Secretary may prescribe).

“(b) **SPECIFIED FOREIGN FINANCIAL ASSETS.**—For purposes of this section, the term ‘specified foreign financial asset’ means—

“(1) any financial account (as defined in section 1471(d)(2)) maintained by a foreign financial institution (as defined in section 1471(d)(4)), and

“(2) any of the following assets which are not held in an account maintained by a financial institution (as defined in section 1471(d)(5))—

“(A) any stock or security issued by a person other than a United States person,

“(B) any financial instrument or contract held for investment that has an issuer or counterparty which is other than a United States person, and

“(C) any interest in a foreign entity (as defined in section 1473).

“(c) **REQUIRED INFORMATION.**—The information described in this subsection with respect to any asset is:

“(1) In the case of any account, the name and address of the financial institution in which such account is maintained and the number of such account.

“(2) In the case of any stock or security, the name and address of the issuer and such information as is necessary to identify the class or issue of which such stock or security is a part.

“(3) In the case of any other instrument, contract, or interest—

“(A) such information as is necessary to identify such instrument, contract, or interest, and

“(B) the names and addresses of all issuers and counterparties with respect to such instrument, contract, or interest.

“(4) The maximum value of the asset during the taxable year.

“(d) **PENALTY FOR FAILURE TO DISCLOSE.**—

“(1) **IN GENERAL.**—If any individual fails to furnish the information described in subsection (c) with respect to any taxable year at the time and in the manner described in subsection (a), such person shall pay a penalty of \$10,000.

“(2) **INCREASE IN PENALTY WHERE FAILURE CONTINUES AFTER NOTIFICATION.**—If any failure described in paragraph (1) continues for more than 90 days after the day on which the Secretary mails notice of such failure to the individual, such individual shall pay a penalty (in addition to the penalties under paragraph (1)) of \$10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. The penalty imposed under this paragraph with respect to any failure shall not exceed \$50,000.

“(e) **PRESUMPTION THAT VALUE OF SPECIFIED FOREIGN FINANCIAL ASSETS EXCEEDS DOLLAR THRESHOLD.**—If—

“(1) the Secretary determines that an individual has an interest in one or more specified foreign financial assets, and

“(2) such individual does not provide sufficient information to demonstrate the aggregate value of such assets,

then the aggregate value of such assets shall be treated as being in excess of \$50,000 (or such higher dollar amount as the Secretary prescribes for purposes of subsection (a)) for purposes of assessing the penalties imposed under this section.

“(f) **APPLICATION TO CERTAIN ENTITIES.**—To the extent provided by the Secretary in regulations or other guidance, the provisions of this section shall apply to any domestic entity which is formed or availed of for purposes of holding, directly or indirectly, specified foreign financial assets, in the same manner as if such entity were an individual.

“(g) **REASONABLE CAUSE EXCEPTION.**—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide appropriate exceptions from the application of this section in the case of—

“(1) classes of assets identified by the Secretary, including any assets with respect to which the Secretary determines that disclosure under this section would be duplicative of other disclosures,

“(2) nonresident aliens, and

“(3) bona fide residents of any possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038C the following new item:

“Sec. 6038D. Information with respect to foreign financial assets.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 512. PENALTIES FOR UNDERPAYMENTS ATTRIBUTABLE TO UNDISCLOSED FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Section 6662, as amended by this Act, is amended—

(1) in subsection (b), by inserting after paragraph (6) the following new paragraph:

“(7) Any undisclosed foreign financial asset understatement.”, and

(2) by adding at the end the following new subsection:

“(j) UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘undisclosed foreign financial asset understatement’ means, for any taxable year, the portion of the understatement for such taxable year which is attributable to any transaction involving an undisclosed foreign financial asset.

“(2) UNDISCLOSED FOREIGN FINANCIAL ASSET.—For purposes of this subsection, the term ‘undisclosed foreign financial asset’ means, with respect to any taxable year, any asset with respect to which information was required to be provided under section 6038, 6038B, 6038D, 6046A, or 6048 for such taxable year but was not provided by the taxpayer as required under the provisions of those sections.

“(3) INCREASE IN PENALTY FOR UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENTS.—In the case of any portion of an underpayment which is attributable to any undisclosed foreign financial asset understatement, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 513. MODIFICATION OF STATUTE OF LIMITATIONS FOR SIGNIFICANT OMISSION OF INCOME IN CONNECTION WITH FOREIGN ASSETS.

(a) EXTENSION OF STATUTE OF LIMITATIONS.—(1) IN GENERAL.—Paragraph (1) of section 6501(e) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) GENERAL RULE.—If the taxpayer omits from gross income an amount properly includable therein and—

“(i) such amount is in excess of 25 percent of the amount of gross income stated in the return, or

“(ii) such amount—

“(I) is attributable to one or more assets with respect to which information is required to be reported under section 6038D (or would be so re-

quired if such section were applied without regard to the dollar threshold specified in subsection (a) thereof and without regard to any exceptions provided pursuant to subsection (h)(1) thereof), and

“(II) is in excess of \$5,000,

the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 6501(e)(1), as redesignated by paragraph (1), is amended by striking all that precedes clause (i) and inserting the following:

“(B) DETERMINATION OF GROSS INCOME.—For purposes of subparagraph (A)—”.

(B) Paragraph (2) of section 6229(c) is amended by striking “which is in excess of 25 percent of the amount of gross income stated in its return” and inserting “and such amount is described in clause (i) or (ii) of section 6501(e)(1)(A)”.

(b) ADDITIONAL REPORTS SUBJECT TO EXTENDED PERIOD.—Paragraph (8) of section 6501(c) is amended—

(1) by inserting “pursuant to an election under section 1295(b) or” before “under section 6038”.

(2) by inserting “1298(f),” before “6038”, and

(3) by inserting “6038D,” after “6038B”.

(c) CLARIFICATIONS RELATED TO FAILURE TO DISCLOSE FOREIGN TRANSFERS.—Paragraph (8) of section 6501(c) is amended by striking “event” and inserting “tax return, event.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act; and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of such taxes has not expired as of such date.

PART III—OTHER DISCLOSURE PROVISIONS

SEC. 521. REPORTING OF ACTIVITIES WITH RESPECT TO PASSIVE FOREIGN INVESTMENT COMPANIES.

(a) IN GENERAL.—Section 1298 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) REPORTING REQUIREMENT.—Except as otherwise provided by the Secretary, each United States person who is a shareholder of a passive foreign investment company shall file an annual report containing such information as the Secretary may require.”.

(b) CONFORMING AMENDMENT.—Subsection (e) of section 1291 is amended by striking “, (d), and (f)” and inserting “and (d)”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 522. SECRETARY PERMITTED TO REQUIRE FINANCIAL INSTITUTIONS TO FILE CERTAIN RETURNS RELATED TO WITHHOLDING ON FOREIGN TRANSFERS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR RETURNS FILED BY FINANCIAL INSTITUTIONS WITH RESPECT TO WITHHOLDING ON FOREIGN TRANSFERS.—The numerical limitation under paragraph (2)(A) shall not apply to any return filed by a financial institution (as defined in section 1471(d)(5)) with respect to tax for which such institution is made liable under section 1461 or 1474(a)”.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 6724 is amended by inserting “or with respect to a return described in section 6011(e)(4)” before the end period.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due

date for which (determined without regard to extensions) is after the date of the enactment of this Act.

PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

SEC. 531. CLARIFICATIONS WITH RESPECT TO FOREIGN TRUSTS WHICH ARE TREATED AS HAVING A UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Paragraph (1) of section 679(c) is amended by adding at the end the following:

“For purposes of subparagraph (A), an amount shall be treated as accumulated for the benefit of a United States person even if the United States person’s interest in the trust is contingent on a future event.”.

(b) CLARIFICATION REGARDING DISCRETION TO IDENTIFY BENEFICIARIES.—Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE IN CASE OF DISCRETION TO IDENTIFY BENEFICIARIES.—For purposes of paragraph (1)(A), if any person has the discretion (by authority given in the trust agreement, by power of appointment, or otherwise) of making a distribution from the trust to, or for the benefit of, any person, such trust shall be treated as having a beneficiary who is a United States person unless—

“(A) the terms of the trust specifically identify the class of persons to whom such distributions may be made, and

“(B) none of those persons are United States persons during the taxable year.”.

(c) CLARIFICATION THAT CERTAIN AGREEMENTS AND UNDERSTANDINGS ARE TERMS OF THE TRUST.—Subsection (c) of section 679, as amended by subsection (b), is amended by adding at the end the following new paragraph:

“(5) CERTAIN AGREEMENTS AND UNDERSTANDINGS TREATED AS TERMS OF THE TRUST.—For purposes of paragraph (1)(A), if any United States person who directly or indirectly transfers property to the trust is directly or indirectly involved in any agreement or understanding (whether written, oral, or otherwise) that may result in the income or corpus of the trust being paid or accumulated to or for the benefit of a United States person, such agreement or understanding shall be treated as a term of the trust.”.

SEC. 532. PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Section 679 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

“(d) PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.—If a United States person directly or indirectly transfers property to a foreign trust (other than a trust described in section 6048(a)(3)(B)(ii)), the Secretary may treat such trust as having a United States beneficiary for purposes of applying this section to such transfer unless such person—

“(1) submits such information to the Secretary as the Secretary may require with respect to such transfer, and

“(2) demonstrates to the satisfaction of the Secretary that such trust satisfies the requirements of subparagraphs (A) and (B) of subsection (c)(1).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

SEC. 533. UNCOMPENSATED USE OF TRUST PROPERTY.

(a) IN GENERAL.—Paragraph (1) of section 643(i) is amended—

(1) by striking “directly or indirectly to” and inserting “(or permits the use of any other trust property) directly or indirectly to or by”, and

(2) by inserting “(or the fair market value of the use of such property)” after “the amount of such loan”.

(b) EXCEPTION FOR COMPENSATED USE.—Paragraph (2) of section 643(i) is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION FOR COMPENSATED USE OF PROPERTY.—In the case of the use of any trust property other than a loan of cash or marketable securities, paragraph (1) shall not apply to the extent that the trust is paid the fair market value of such use within a reasonable period of time of such use.”

(c) APPLICATION TO GRANTOR TRUSTS.—Subsection (c) of section 679, as amended by this Act, is amended by adding at the end the following new paragraph:

“(6) UNCOMPENSATED USE OF TRUST PROPERTY TREATED AS A PAYMENT.—For purposes of this subsection, a loan of cash or marketable securities (or the use of any other trust property) directly or indirectly to or by any United States person (whether or not a beneficiary under the terms of the trust) shall be treated as paid or accumulated for the benefit of a United States person. The preceding sentence shall not apply to the extent that the United States person repays the loan at a market rate of interest (or pays the fair market value of the use of such property) within a reasonable period of time.”

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 643(i) is amended—

(1) by inserting “(or use of property)” after “If any loan”;

(2) by inserting “or the return of such property” before “shall be disregarded”, and

(3) by striking “REGARDING LOAN PRINCIPAL” in the heading thereof.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made, and uses of property, after the date of the enactment of this Act.

SEC. 534. REPORTING REQUIREMENT OF UNITED STATES OWNERS OF FOREIGN TRUSTS.

(a) IN GENERAL.—Paragraph (1) of section 6048(b) is amended by inserting “shall submit such information as the Secretary may prescribe with respect to such trust for such year and” before “shall be responsible to ensure”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 535. MINIMUM PENALTY WITH RESPECT TO FAILURE TO REPORT ON CERTAIN FOREIGN TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 6677 is amended—

(1) by inserting “the greater of \$10,000 or” before “35 percent”, and

(2) by striking the last sentence and inserting the following: “At such time as the gross reportable amount with respect to any failure can be determined by the Secretary, any subsequent penalty imposed under this subsection with respect to such failure shall be reduced as necessary to assure that the aggregate amount of such penalties do not exceed the gross reportable amount (and to the extent that such aggregate amount already exceeds the gross reportable amount the Secretary shall refund such excess to the taxpayer).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2009.

PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

SEC. 541. SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS.

(a) IN GENERAL.—Section 871 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

“(l) TREATMENT OF DIVIDEND EQUIVALENT PAYMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a), sections 881 and 4948(a), and chapters 3 and

4, a dividend equivalent shall be treated as a dividend from sources within the United States.

“(2) DIVIDEND EQUIVALENT.—For purposes of this subsection, the term ‘dividend equivalent’ means—

“(A) any substitute dividend made pursuant to a securities lending or a sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States,

“(B) any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States, and

“(C) any other payment determined by the Secretary to be substantially similar to a payment described in subparagraph (A) or (B).

“(3) SPECIFIED NOTIONAL PRINCIPAL CONTRACT.—For purposes of this subsection, the term ‘specified notional principal contract’ means—

“(A) any notional principal contract if—

“(i) in connection with entering into such contract, any long party to the contract transfers the underlying security to any short party to the contract,

“(ii) in connection with the termination of such contract, any short party to the contract transfers the underlying security to any long party to the contract,

“(iii) the underlying security is not readily tradable on an established securities market,

“(iv) in connection with entering into such contract, the underlying security is posted as collateral by any short party to the contract with any long party to the contract, or

“(v) such contract is identified by the Secretary as a specified notional principal contract,

“(B) in the case of payments made after the date which is 2 years after the date of the enactment of this subsection, any notional principal contract unless the Secretary determines that such contract is of a type which does not have the potential for tax avoidance.

“(4) DEFINITIONS.—For purposes of paragraph (3)(A)—

“(A) LONG PARTY.—The term ‘long party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is entitled to receive any payment pursuant to such contract which is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States with respect to such underlying security.

“(B) SHORT PARTY.—The term ‘short party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is not a long party with respect to such underlying security.

“(C) UNDERLYING SECURITY.—The term ‘underlying security’ means, with respect to any notional principal contract, the security with respect to which the dividend referred to in paragraph (2)(B) is paid. For purposes of this paragraph, any index or fixed basket of securities shall be treated as a single security.

“(5) PAYMENTS DETERMINED ON GROSS BASIS.—For purposes of this subsection, the term ‘payment’ includes any gross amount which is used in computing any net amount which is transferred to or from the taxpayer.

“(6) PREVENTION OF OVER-WITHHOLDING.—In the case of any chain of dividend equivalents one or more of which is subject to tax under subsection (a) or section 881, the Secretary may reduce such tax, but only to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain. For purposes of this paragraph, a dividend shall be treated as a dividend equivalent.

“(7) COORDINATION WITH CHAPTERS 3 AND 4.—For purposes of chapters 3 and 4, each person

that is a party to any contract or other arrangement that provides for the payment of a dividend equivalent shall be treated as having control of such payment.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.

Subtitle B—Delay in Application of Worldwide Allocation of Interest

SEC. 551. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking “December 31, 2017” and inserting “December 31, 2019”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

ORDERS FOR FRIDAY, FEBRUARY 26, 2010

Mr. DURBIN. I ask unanimous consent that following my remarks, the Senate adjourn until 9:30 a.m., Friday, February 26.

I would like to ask by way of a question, does the Senator from Kentucky seek recognition?

Mr. BUNNING. Yes, I will.

Mr. DURBIN. Would you like to speak after I have made the request so I could make the adjournment subject to your speaking?

Mr. BUNNING. That is acceptable.

Mr. DURBIN. I ask unanimous consent that following my remarks and the remarks of the Senator from Kentucky and the remarks of the Senator from Tennessee for debate only—let me suspend this unanimous consent request.

Mr. President, I will attempt to make this unanimous consent request again. I ask unanimous consent that following my remarks, the remarks of the Senator from Tennessee, Mr. CORKER, who will make a unanimous consent request and then engage in debate only beyond that, and the remarks of the Senator from Kentucky, following those remarks, the Senate adjourn until 9:30 a.m., Friday, February 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. I didn’t make it clear that the Senator from Kentucky would speak in debate only.

Mr. BUNNING. I have a few things I would like to comment on.

Mr. DURBIN. In debate only.

Mr. BUNNING. Yes.

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

PROGRAM

Mr. DURBIN. There will be no rollcall votes during Friday’s session of the Senate. The next rollcall vote will occur on Tuesday morning. I have

given notice to Senator BUNNING and others that I will be renewing this unanimous consent request tomorrow morning.

ORDER FOR ADJOURNMENT

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn after the statements that have already been noted as part of this request.

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

The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST— H.R. 4691

Mr. CORKER. Mr. President, I thank the Senator from Illinois for his nature this evening. I thank all of my colleagues on the other side of the aisle. I think we have had a nice discussion. I think we all know this is not about any of our lack of desire to make sure that these benefits are extended. I think everybody here knows this. It has been nice listening to some of the comments.

Therefore, since it was out of order before, I would like to ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4891, that the amendment at the desk which offers a full offset be agreed to, that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, and this issue will be dealt with. Every American that is looking for the benefits we have discussed will have those forthcoming.

Mr. President, I ask that that be approved.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I believe the Senator from Tennessee said 4891. I think the bill was 4691.

Mr. CORKER. H.R. 4691.

Mr. DURBIN. If the Senator would not mind repeating his unanimous consent, I didn't quite hear the end of it.

Mr. CORKER. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691 which I understand to be the measure that is before us, that the amendment at the desk, which I understand offers a full offset to pay for this, be agreed to, the bill, as amended, be read for a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

OFFSETTING THE UNEMPLOYMENT BENEFIT EXTENSION

Mr. BUNNING. Mr. President, it has been a long night. It is called an ambush. That is what happened. The consent that I was assured of was going to be that the Senator from Illinois offer the same—I am going to get it right—30-day extension without an offset. He was going to offer it, and I was going to have a chance to object. We weren't going to stand around for 3½ hours debating the issue. That is the understanding I had with the leader of the Democrats.

Now, I don't know what I have for tomorrow. I have been assured that the Senator from Illinois will offer the same amendment tomorrow morning, and I will have a chance to object, if I so choose. But I want to assure the people who have watched this thing until a quarter of 12, I have missed the Kentucky-South Carolina game that started at 9 o'clock. It is the only redeeming chance we had to beat South Carolina, since they are the only team that has beat Kentucky this year. All of these things that we have talked about and all the provisions that have been discussed, the unemployment benefits, all these things, if we had taken a longer version of the jobs bill that was mutually agreed on, a bipartisan bill that Senator BAUCUS and Senator GRASSLEY agreed on, that the Senator from Nevada, the leader withdrew his support from and brought his own narrowly scoped bill to the floor, \$10 billion was not paid for, \$5 billion was—so we have \$10 billion immediately after we passed pay-go last week, so we have a \$10 billion bill we talked about early on that just passed and now we have an extension—by the way, the Baucus-Grassley bill was totally and completely—it is debatable, according to the Senator from Illinois, but it was paid for—CBO said it was paid for, but at least that is what Joint Tax said, too, because I happen to be on the same committee with those two gentlemen—we would not have spent 3 hours-plus—almost 3½—telling everybody in the United States of America that Senator BUNNING does not give a damn about the people who are on unemployment; the doctors whom I represent that I did not want to extend SGR; all of the other things—COBRA, flood insurance, small business loans, and small business provisions.

I feel sorry for the people in Kentucky who live in east Kentucky who may lose their Satellite Home Viewer Act for a day or two because they will miss all those Senate commercials that are going on. I know how they desperately want to watch those, but if they do not have cable, they will not be able to do it.

But this debate could have been completely changed had not the other side

rammed through a bill, a partisan bill, over a bipartisan bill. You cannot preach bipartisanship and practice partisanship. I do not give a darn how good you are at conning people, people see through it. If you think I am kidding, go into your State and ask. The American people understand what is going on up here. That is why the Congress and the Senate have a 30-percent approval rating. Even the President of the United States is higher than that, and his is not good because it is below 50 percent.

But I have served in this body and over in the House—I have not had as long; I have had 2 years shorter than the House service of the Senator from Illinois and 2 years shorter than the Senator's Senate service; so I have spent 12 and 12, 12 years here and 12 in the House—and we are not conning the people in the United States about anything. They know what is going on. That is why they are madder than heck. They are tired of Senators who talk out of both sides of their mouths. They are tired of people who have been appointed to positions who come before the Congressional committees and do not speak the truth. If you think the Tea Party people are crazy, get them involved in your Senate race or get them against you when you are running.

Remember now, this all could have been changed had not the leader of the Senate decided that a bipartisan compromise jobs bill was not as important as his partisan jobs bill that just passed right before all this debate.

I just want to tell the people who have watched—and I doubt if there are many right now—that I am as interested in all those things I have objected to because of no offsets as the people who have spoken on the other side of the aisle or my good friend from Tennessee or my good friend from Alabama.

This body should be and can be better than it has been. In my 24 years of service, I have never seen the Congress of the United States perform as badly as we are performing presently. And it shows up. Bipartisanship means input from both sides—not talking about it, doing it. That is the whole difference in what we have had here tonight. We did not even have to have this debate. Thank you.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment until Friday, February 26, 2010, at 9:30 a.m.

Thereupon, the Senate, at 11:52 p.m., adjourned until Friday, February 26, 2010, at 9:30 a.m.