

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

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

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

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

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

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

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

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

It might be a little late for the drug companies. They have already cut a sweetheart deal with the drug companies. They have agreed to oppose importation of drugs from Canada and oppose competition amongst drug companies for Medicare patient recipients in return for some \$80 billion in supposed

savings over 10 years, and \$100-some million worth of advertising by the drug companies in favor of health care reform. I am not making it up.

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

CLEAN AIR PROTECTION ACT

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

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

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

Saying that the EPA will only limit emissions from large businesses is not

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF UNEMPLOYMENT BENEFITS

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

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

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

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

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

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

As soon as the job opening was posted, on the afternoon of Friday, July 10, the deluge began.

C.R. England, a nationwide trucking company, needed an administrative assistant for its bustling driver training school here [in Indiana]. Responsibilities included data entry, assembling paperwork and making copies.

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

When Stacey Ross, C.R. England's head of corporate recruiting, arrived at her desk at

the company's Salt Lake City headquarters the next Monday, she found about 300 applications in the company's e-mail inbox. And the fax machine had spit out an inch-and-a-half thick stack of resumes before running out of paper.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of the conference report to accompany H.R. 2647, which the clerk will report.

The assistant bill clerk read as follows:

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

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

The Senator from Michigan is recognized.

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

The PRESIDING OFFICER. The Senator is recognized.

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

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

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

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