

me about: Corey continues to make progress after an IED explosion December 4, 2005.

How do you say to a kid who served his country, who is raising a family: One, we had to turn you in so you can never own a gun. And, two, that gun your father handed down to you, Corey, you have to get rid of it. You cannot hand it down to your child, because even if you handed it down today to your son living in your home, they cannot have that gun, because the Veterans Administration says you cannot.

But if a fiduciary was assigned to Corey's father or to his mother, the Social Security Administration does not send that in to the NICS list to deprive them of their second amendment right. This is the most unfair thing I have seen this country do. It is time we end this practice. It is time we respect our veterans. It is time we treat them fairly. It is time we uphold the Constitution of this United States.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2996

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2996, Interior appropriations, there be 2 hours of general debate on the conference report, with the time equally divided and controlled between the two leaders or their designees; that if any points of order are raised against the conference report, then any motion to waive the point of order be debated within the time limits provided for debate on the conference report; that upon the use or yielding back of time, and disposition of points of order, if the motions to waive are successful, then the Senate vote on adoption of the conference report, with no further motions in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I will be brief. I know the Republican leader is busy, but I just wish to make a couple of comments on a couple of nominations.

A woman by the name of Tara O'Toole has been nominated to be Under Secretary of Science and Technology at the Department of Homeland Security. This woman has such won-

derful qualifications. She is presently the CEO and director for the Center for Biosecurity at the University of Pittsburgh Medical Center. She is a professor of medicine and public health at the University of Pittsburgh. The Center for Biosecurity is an independent organization dedicated to improving the country's resilience to major biological threats.

Dr. O'Toole is internationally known for her work on biosecurity and on health and safety issues. She has written volumes, literally. She is published in areas of Anthrax, smallpox, plague, biological attacks, containment of contagious disease epidemics, biodefense research, hospital preparedness. These are areas that she has written in. She is coeditor in chief of the Journal of Biosecurity and Bioterrorism. She was a principal author and producer of "Dark Winter," an influential piece of work done in 2001. She has served on numerous government and advisory committees. Her education is significant: a bachelor's degree from Vassar College, a medical degree from George Washington University, and a master of public health degree from Johns Hopkins University. She has completed an internal residency at Yale and a fellowship in occupational and environmental medicine at Johns Hopkins. This is a remarkably powerful foundation for someone who is going to be the Under Secretary, the deputy, second in charge at the Department of Homeland Security. It is such an important job, Under Secretary of Science and Technology.

I had a call on Monday from the Secretary of Homeland Security, Janet Napolitano, saying: I am desperate for this woman. My staffing for bioterrorism is depending on her. She is a person I am going to depend on for the pandemic that the President declared with the H1N1 flu. So I am really concerned about not being able to get this woman confirmed.

I ask unanimous consent, therefore, that the Senate proceed to executive session to consider Calendar No. 331, the nomination of Tara O'Toole to be Under Secretary of Science and Technology at the Department of Homeland Security; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further motions in order; that the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. We do have some objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I would renew my request and inquire about the possibility of a 2-hour time limit of debate on the nomination or any reasonable time agreement, or I will even take an unreasonable time agreement at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. There are objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I am going to ask unanimous consent that the Surgeon General be confirmed. This is a wonderful woman who has dedicated her life to taking care of the poor and underprivileged. She has done that for two decades on the gulf coast rather than going to some fancy place and seeing how much money she could make. She didn't do that. She has garnered nationwide praise for founding a rural health plan in Bayou La Batre, AL.

More than 40 percent of the town's 2,500 residents have no health insurance. In 2002 she became the first African-American woman to be president of the Medical Association of the State of Alabama. She would be a terrific Surgeon General. Her family situation directs attention to the need for taking care of people who need help. Her father died of diabetes and hypertension. Her brother died at 44 with HIV-related illness. Her mother died of lung cancer. She certainly is qualified and needed during this crisis.

I, therefore, ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Dr. Regina M. Benjamin to be Surgeon General of the Public Health Services of the United States; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further action in order; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, I think there is a good chance this nomination will be cleared. I need to hotline this nomination. If it comes out the way I anticipate, we should be able to confirm this nominee in wrap-up. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I thank the Chair.

#### UNANIMOUS CONSENT REQUEST—H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that all postcloture time be yielded back—and we are talking about the unemployment extension bill—and the motion to proceed be agreed to; that once the bill is reported, the following be the only first-degree amendments in order to the bill; that debate time on the listed first-degree amendments be limited to 60 minutes each, except the Baucus-Reid substitute, which would be debated within

the time limits provided for the bill; that general debate on the bill be limited to 60 minutes, with that time equally divided and controlled between the leaders or their designees; Baucus-Reid substitute amendment, which contains unemployment insurance extension and net operating loss provisions, as well as the negotiated home buyer tax credit language; the JOHANNIS amendment regarding an alternative substitute; that upon disposition of the amendments, the Baucus-Reid substitute amendment, if amended, be agreed to, the bill, as amended, be read the third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, and I will object, this is the same subject we have been going back and forth on for days. I have pared back our request for amendments significantly, but we are still unable to get even a modest three amendments on this side of the aisle. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, we have more than a million people, as we speak, who have no unemployment insurance. These are the most desperate of the desperate. They have long since lost their jobs. If we can recognize that what would stimulate the economy is giving somebody who has been out of work a long time a check, and they will spend it—we have more than a million people wanting to spend that money, maybe to pay rent or make a car payment they are behind on to stop the car from being taken sometime in the middle of the night.

We have agreed to a bipartisan amendment dealing with first-time home buyers that has been worked on by JOHNNY ISAKSON. It was his idea originally. We have Senator BUNNING, who offered an amendment dealing with net operating loss. We have agreed to that. I would even be willing to modify my unanimous consent request and include the Corker-Warner amendment regarding TARP trustees, another bipartisan amendment.

The Republicans have dropped their request for having an amendment on E-Verify, which took several days to work out. I appreciate that. They have dropped their request to do another in the long line of amendments dealing with ACORN. But now they are hung up on a TARP amendment that would basically sunset the program. This isn't the time to do that. This is just an effort to delay and divert attention from this most important issue.

Even if that weren't the case, the House of Representatives—I spoke to STENY HOYER at 3:30. I told him I would call him in the next half hour, 45 minutes. They will accept what we have talked about for first-time home buyers and the work we have done with net operating loss, but they are not going to accept terminating TARP. That is

basically what it is. It sunsets it. We know there is a time limit on it, anyway, statutorily. It seems to me there should be a better time to debate this, dealing with a multibillion-dollar program.

So I hope my modification, which basically would add to it the alternative substitute by Senator JOHANNIS and the Corker-Warner amendment regarding TARP, would be agreed to.

I say to the distinguished Republican leader that we will not be able to accept the request to do the sunset of TARP tonight. I think it is unfortunate that we cannot approve what we agree upon. Today is Thursday. I have already explained to the distinguished Republican leader—and he understood it, anyway—that this would put it over until Monday, and then Monday sometime we would attempt to get cloture on the bill. We got it on the motion to proceed to it. That takes another couple of days. It is a difficult thing for people to have to wait a week. I hope there will be an agreement to allow us to move forward.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I believe the majority leader propounded another consent agreement. Reserving the right to object, let me briefly recount for colleagues where we have been on this issue over the last days.

We initially offered a modest number of amendments—eight. Five of my Members have been willing to discontinue their request for votes on their amendments. The majority leader just indicated he is willing to have one TARP amendment. We have one more TARP amendment. That would make for a total of three amendments. We could enter into a consent agreement to have votes on these three amendments, with short time agreements, and be through with this bill this afternoon.

I hope this is not the way the majority leader is planning on handling the health care debate because the American people will storm the Capitol if they think the majority is going to dictate to the minority what amendments will be offered on a bill as significant as restructuring one-sixth of the economy.

I feel as if we have been extraordinarily reasonable. We are down to three simple amendments on which we would be willing to accept time agreements to complete this unemployment insurance compensation bill. I don't think that is unreasonable. Therefore, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I guess reasonableness is in the eye of the beholder. Try to explain to someone who has been out of work for 8 months that their ability to get a check to pay the rent before they are evicted is going to be held up because this program, which is—I think the original TARP was \$700

billion, as I recall, after meeting with the Secretary of the Treasury, who first came up with the idea. The program has been moving along, and there may be some reason to modify the program, and there should be debate on that. I have no problem doing that. But we should not hold this up. Every amendment we have talked about here has been bipartisan in nature. The Isakson amendment is bipartisan, the Bunning amendment is bipartisan, and the Corker amendment is bipartisan. I cannot imagine why we would hold this up.

My friend the distinguished Republican leader said they are not going to approve this, and I think that is too bad for the nameless people out there—I can see them in my mind's eye being desperate for help.

Mr. MCCONNELL. Madam President, just to make sure there is no misunderstanding with the consent agreement I am willing to agree to, with votes on three amendments, with short time agreements, we could be finished with the unemployment compensation bill this very afternoon. This is not an effort to delay. If my friend is concerned about the amendment, he has 60 votes on his side; he could simply vote it down. That is an easy solution to the problem—to enter into the consent agreement, have short time agreements, and if my friend from Nevada opposes them, I am sure he can convince 60 Democrats to vote them down.

Mr. REID. Madam President, since we started this some 3 weeks ago, about 150,000 people have been added to the list of people who are eligible for what we are trying to do—150,000 people. Now there are well over a million people waiting to get this relief.

I have said that this matter will not be approved by the House. The House is going to move to health care next week. I received a call from Leader HOYER. He wants this matter to come over there with what we have agreed upon.

This is another effort to delay what we are doing. This is not a question of flexing muscles—who has 60 votes and who has 40 votes. It is a question of moving forward with legislation now, not next week, to help people in America.

Remember, since we started this—trying to get a simple extension of unemployment benefits, which is paid for, and it is not deficit spending—we have agreed to do what has been suggested by the Republicans. First-time home buyers, we agreed to that; net operating loss, we will agree to that; we will agree to what Senator CORKER wants, which is trustees appointed for TARP.

This is soon to be the fourth week of trying to simply get something done. The Republicans have been saying no, no, no to everything we do—"the party of no" is pretty well described. We have had 87 noes so far this year in the form of 56 filibusters, plus trying to move the bills some 30 more times. So you

can talk all you want about it. We should have been through with this 3 weeks ago.

Mr. MCCONNELL. Madam President, the way to finish this right now is to enter into a consent agreement to have votes on three amendments, with very short time agreements, and we can solve this issue. If my friend is worried about whether the House will accept it, he can vote it down, defeat the amendment. Around here, if you get the most votes, you win; if you don't, you lose. All I am suggesting is that we have three amendment votes, with short time agreements, this afternoon, and we can wrap up this bill.

I yield the floor.

Mr. REID. Madam President, this bill should have been wrapped up 3 weeks ago. It is always something. There is always a little something more to do, until time goes on and on. It is obvious that my friends don't care about these people who are desperate for money. I care about them. We care about them.

Madam President, would the Chair announce the next order of business. Under the provisions of the consent agreement the Republican leader and I agreed to, what is the matter before the Senate—or will be shortly?

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The next matter before the Senate is the Interior appropriations bill conference report, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Wednesday, October 28, 2009.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I have an important announcement to make on another subject which is of interest to the American people. The era of the thousand-page bill is over. We now have a 2,000-page bill, a new health care bill introduced in the House of Representatives today by Speaker PELOSI. What we will do on the Republican side, and what I hope our friends on the Democratic side will do as well, and what every American expects us to do, is read all 2,000 pages and know exactly what it costs before we begin to vote on the congressional Democrats' health care bill.

For example, while we know just a few things about the bill, we know the

price tag is likely to be more than \$1 trillion. So it is 2,000 pages, more than \$1 trillion.

We know the physicians Medicare reimbursement rate, which is important to all of us to be included, is scheduled to be treated separately there. Well, it wasn't treated separately here. On what was the first vote on health care a week ago, 13 Democrats joined with 40 Republicans to say we are not going to begin the health care debate by increasing the deficit by \$¼ trillion. That was an important statement to the American people.

One of the questions we will be asking is how is the physician Medicare reimbursement plan, which is an essential part of any plan for health care over the next 10 years, how is it paid for? Does it add to the debt? We will be looking—and I know the distinguished Senator from New Hampshire who is the ranking Republican on the Budget Committee already is looking—at not just what happens in the first 5 years of this proposed bill but in the second 5 years and the 10 years after that, because our goal is to reduce the cost of health care, the cost of premiums to each of us and to our government. A preliminary look suggests that while the cost may go down to the government in the first 5 years, it might go up in the second 5 years as the plan is implemented.

Third, we want to look at the new taxes on small businesses we have been told about.

Next, we want to look at the provision in the bill which seems to say that an employer might have to pay 8 percent of his payroll as a penalty if the employer does not provide health care to his employees. Does that mean all employees? Does that mean full-time employees? Does that mean part-time employees? We want to read the bill. We want to know exactly what it says. We want to see a Congressional Budget Office estimate—a formal estimate—of what it costs.

There is in the bill a new government-run insurance plan. We have said before that our view on the Republican side—and I know some Democrats have concern about this as well—is the effect of a government-run insurance company—some call it the government option—is no option because if you are one of the 170 million or 180 million Americans who have health insurance through your employer, the combination of a bill such as this is you are more likely to lose your insurance and the government option is likely to be your only option. We will be asking that question and see what it costs.

There is a provision in the bill that expands Medicaid. This is the government-run program for the low-income we already have that has 60 million Americans in it. The State and the Federal Government share the cost of it. My preliminary understanding of this provision is, it increases the cost of the Medicaid expansion, which Governors all across the country are deep-

ly concerned about, and it adds a provision to require that physicians be reimbursed for Medicaid services at the same level as Medicare, which would basically double the cost of the Medicaid expansion. How much of this will the States pay?

There are a number of questions to be asked, but the news of the day is this: The era of the 1,000-page bill is over. We have a new 2,000-page health care bill. We will be reading the bill, and we will be trying to understand exactly what it costs.

Mr. GREGG. Will the Senator from Tennessee yield for a question, Madam President?

Mr. ALEXANDER. I will be glad to yield.

Mr. GREGG. A 1,000-page bill is pretty big. It is about this big, and a 2,000-page bill is about this big. We are going to find out when we see it printed. That probably weighs a lot, 4 or 5 bricks, 10 bricks maybe?

Mr. ALEXANDER. I don't know. The Senator from New Hampshire has a wide variety of experiences and may understand the weight of bricks better than I do. I just know the era of the 1,000-page bill is over. We have a 2,000-page bill, and we will need to read it.

I ask the Senator from New Hampshire how long should it take the Congressional Budget Office to provide a formal estimate of a 2,000-page bill, based upon his experience—I ask through the Chair—as former chairman of the Budget Committee and the ranking Republican member.

Mr. GREGG. Madam President, I say to the Senator from Tennessee, I presume it would be at least a week or maybe 10 days. I understand they are going to do an informal sort of “on the back of an envelope” estimate quickly. But the implications of this bill, 2,000 pages—it is akin to dropping 10 bricks on our seniors, isn't it? Doesn't this basically wipe out Medicare Advantage and massively impact Medicare benefits and move those savings over to fund a brandnew entitlement?

Mr. ALEXANDER. I thank the Senator from New Hampshire. Our concern has been, with the bills we have seen so far, that a bill that is supposed to reduce costs actually raises the cost of premiums, cuts Medicare, and raises taxes. The new government insurance plan will cause millions to lose their employer-based insurance and become a part of the government option and, unless the physicians Medicare reimbursement payment is a part of the plan, it also adds to the debt.

Mr. GREGG. If the Senator will entertain one other question. The Senator, in his comments on this new 2,000-page piece of legislation, which started out at significantly less, made a point that I believe the last 5 years of this bill—it is a 10-year bill and, of course, it is going to go on forever. They basically start the taxes at day one, but they don't start the expenditures until year five. It turns out, as I