

For those who say, well, we don't need to do anything about this health insurance problem, I would ask them to listen to Trisha Urban. She said at the end of her letter:

I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home, my car, and everything we worked so hard to accumulate in our life will be gone in an instant.

But then she says this:

If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything. I'm asking you to share my story with others in Congress and I'm willing to speak on behalf of my husband so that his death will not be in vain.

So says Trisha Urban in this letter. She challenged me with that letter, or at least I took it as a kind of challenge I wanted to accept. I think she challenges all of us. If Trisha Urban, who lived through all of those problems with the health insurance company, denied coverage because of preexisting condition, dropped coverage, medical bills going through the roof, and then the ultimate tragedy, the death of her husband, if she can endure all that and still stand up and say, I am willing to pay the price of losing everything I need, I am going to do that to try to help pass a health care bill—if she can do that, the least we can do is to do what a lot of us have tried to do over many months, which is to work on this, to debate it, and to fight hard to pass it. So tomorrow morning in the early hours of the morning, when it might still be dark out, it is my hope and prayer there will be a little light in that darkness in the early morning tomorrow when we pass this bill, and we can say that we did our best.

I know we are not done yet to get this bill out of the Senate. I know we are not done yet. We can at least say we did our best, that we tried as best we could to be responsive to, to answer the plea for help and the invocation of hope that Trisha Urban has in her letter.

I have remained ever inspired by her courage, by her willingness to speak up, and by her willingness to be a witness not just to what has been going wrong with our system and not just giving testimony about her husband's death but the way Trisha Urban has been a witness to the hope and the promise of change that will come with this bill. I know tomorrow morning isn't the end of the road. But tomorrow morning is at least the beginning of the end of a lot of these tragedies and a lot of these stories.

So on Trisha's behalf as we say on behalf of so many others, we need to get this legislation passed tomorrow morning and to move forward in a positive new direction in terms of what happens to our health care system.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

NATIVE AMERICAN APOLOGY

Mr. INOUYE. Mr. President, I wish today to discuss the Native American apology resolution that was recently passed as part of the fiscal year 2010 Defense appropriations bill.

I believe that it is well known to most Members of this body that the original inhabitants of the lands that now constitute the United States, the aboriginal, indigenous, native people of America, occupied and exercised sovereignty over more than 550 million acres of land prior to the first European contact.

In the early days of our history, well before our Nation was formed, the native people fought alongside our soldiers in the Revolutionary War. The Indian tribes enabled the survival of General George Washington and his troops during the harsh winter at Valley Forge by providing food to the troops.

A few years later, as our Founding Fathers were engaged in the challenge of forming a new nation, they drew upon the democratic model of government that they learned from the Six Nations of the Iroquois Confederacy. There they found the well-institutionalized practice of the fundamental principles of freedom of speech and a system of governmental checks and balances provided through the separation of governmental powers.

In our early days as a nation, we entered into treaties with Native Americans pursuant to the provisions of the U.S. Constitution that recognize them as sovereigns. But later, we abandoned the path of an honorable course of dealings, and turned to war. Thousands lost their lives through these battles and horrific massacres. The native population everywhere was decimated.

Forced marches to relocate the native people from their traditional homelands to areas west of the Mississippi in the dead of winter cost thousands of more lives. Few Americans know that there was not one Trail of Tears—but many.

The treaties could have signaled a return to a course of honorable dealings with the native people had the United States not proceeded to break provisions in every single one of the treaties

that were ratified by the United States Senate.

Amazingly, notwithstanding these appalling deeds, the native people of the United States have always been and continue to be staunchly patriotic and loyal to this country. They have volunteered to serve in the defense of our Nation in every military action and war in which we have been engaged and on a per capita basis, more Native Americans have put themselves in harm's way and given their lives to protect the United States than any other ethnic group of Americans. They have made the greatest sacrifice, but their contributions do not end there.

We know that the native people of the United States have made significant contributions to our society in every walk of life, in every profession, in medicine and agriculture and as stewards of the lands and resources we all hold dear. There have been great men and women who have led their native nations out of war, poverty, and despair. Throughout the generations, they have shown us the true meaning of courage in the face of the greatest odds, and the quiet strength to persevere.

This provision signifies a new day, brings a message of hope, and provides a foundation for the future.

Mr. President, I would like to thank Senator BROWNBACK for his leadership on this measure.

LEGISLATIVE WORK OF COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, this has been an extraordinary year in the history of the Senate Committee on the Judiciary. Thanks to the members and their work through 87 hearings and 33 business meetings this year we have been productive. Here are some of the legislative highlights:

We have considered and reported to the Senate several important legislative initiatives: We successfully considered and reported to the Senate the Fraud Enforcement and Recovery Act that President Obama signed into law in May. We reported the important Patent Reform Act, which can help our economic recovery and lead to additional American jobs. We reported significant cyber security legislation, including the Personal Data Privacy and Security Act.

We also reported the Improving Assistance to Domestic Violence Victims Act; Public Corruption Prosecution Improvements Act; the Crime Victims Fund Preservation Act; and the Performance Rights Act. We reported the Railroad Antitrust Enforcement Act; the PACT Act on cigarette smuggling; and the Preserve Access to Affordable Generics Act, to end anticompetitive pay-for-delay schemes in the drug industry.

Mindful of the end of the year deadlines, we worked hard to report with bipartisan support the USA PATRIOT Act Sunset Extension Act and the Satellite Television Modernization Act.

We reported the Juvenile Justice and Delinquency Prevention Reauthorization Act just last week. And after many working sessions, we were finally able to report the historic Free Flow of Information Act to establish a qualified privilege in Federal law for journalists to protect their confidential sources and the public's right to know.

Through the course of the year Senators on this Committee contributed to enactment of the Lilly Ledbetter Fair Pay Act, Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, the Fraud Enforcement and Recovery Act, the OPEN FOIA Act, the Human Rights Enforcement Act, the Webcasters Settlement Act, an extension of the EB-5 program for three years, an end to the "widow penalty" in immigration law, the Judicial Survivors Protection Act, the Reserve Officers Modernization Act, the charter for the Military Officers Association of America, as well as legislation to keep the Patent Office on a financial footing, and legislation to clarify statutory time periods for litigation. We worked to include in the American Recovery and Reinvestment Act provisions to provide needed funding to state and local law enforcement and to protect privacy as we improve healthcare information technology.

Many of us worked for Senate passage of the District of Columbia House Voting Rights Act.

Within the health insurance reform legislation being passed by the Senate this week are provisions we worked on to improve our anti-fraud efforts and to provide recourse for those harmed by health services.

I thank the members of the Senate Judiciary Committee for their contributions and cooperation.

JUDICIAL AND EXECUTIVE NOMINATIONS

Mr. LEAHY. Mr. President, I have been calling on the Republican leadership to end the delays and obstruction of judicial nominations and join with us to make progress in filling some of the many vacancies on Federal circuit and district courts. I have done so repeatedly for most of the year, and several times over this last month. Regrettably, as we head into the winter recess and the end of the first session of the 111th Congress, Republican obstruction is setting a new low for the Senate in our consideration of judicial nominations.

The Senate has been allowed to confirm only one judicial nominee all month. It is now December 23. By this date in President Bush's first year in office, the Senate with a Democratic majority confirmed 10 nominations just in December to reach a total of 28 confirmed Federal circuit and district court nominees in the first session of the 107th Congress. That is 10 times as many nominations as the Senate has considered and confirmed this month. During the first year of President

Bush's tumultuous administration, with the Senate majority changing in the middle of the year and Democrats then in the majority, we worked from July through December to confirm 28 judicial nominees. That was, of course, the year of the September 11 attacks and the anthrax attacks in the Senate, but we continued our work. The Senate proceeded to confirm 6 judicial nominees by voice vote in December 2001, a total of 10 judicial nominees that month, a total of 28 in the last 6 months of that year, and 100 in the 17 months I served as chairman of the Senate Judiciary Committee during President Bush's first term.

By contrast, thus far this month, with 12 judicial nominees now available to the Senate for final consideration, Senate Republicans have only allowed a vote on Judge Jacqueline Nguyen to the Central District of California. She was confirmed unanimously after being delayed 6 weeks. They have even refused to consider the nomination of Beverly Martin of Georgia to the Eleventh Circuit, despite strong support from her home state Senators, both Republicans. Instead of acting on her nomination, which has been awaiting final action since September 10, and that of Judge Greenaway of New Jersey, who has been nominated to the Third Circuit and was reported on October 1, they insist on delaying debate on that nomination for at least a month. I hope we will be able to turn to that nomination when the Senate returns in late January.

The refusal by the Republican minority to enter into customary time agreements to consider non-controversial nominees has led us to fall well short of the confirmations achieved in the first years of other Presidents. On the eve of the end of the session, the Senate has confirmed little more than one-third as many of President Obama's circuit and district court nominees as it confirmed of President George W. Bush's—28—or of President Clinton's—27—in their first years. In fact, President Obama is on pace to have the fewest judicial nominees confirmed by a President in his first year since President Eisenhower, who only made nine nominations in 1953. Of course, all nine were confirmed. The total this year stands to be the fewest confirmed in any President's first year in more than 50 years, and the fewest in any year since the Republican majority confirmed only 17 in the 1996 session, a Presidential election year.

The unprecedented obstruction we have seen by Senate Republicans on issue after issue—over 100 filibusters this year alone, by some calculations, which have affected 70 percent of all Senate action—have ground Senate consideration of judicial nominations to a crawl. Instead of time agreements and the will of the majority, the Senate is faced with filibusters, and anonymous and Republican leadership holds. Those who just a short time ago said that a majority vote is all that should

be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have hypocritically reversed themselves and now employ any delaying tactic they can.

Judicial nominees have been and are available for consideration. This lack of Senate action is attributable to Senate Republicans and no one else. The President has reached across the aisle to consult and has made quality nominations. We have held the hearings, and the Senate Judiciary Committee has favorably reported 12 judicial nominees to the Senate on which action has not been permitted. There are now more judicial nominations stalled on the Senate Executive Calendar—12—than the number that have been confirmed all year. One has been ready for Senate consideration for more than 13 weeks, another more than 10 weeks, and the list goes on. Nor are these controversial nominees. Eight of the 12 were reported from the Judiciary Committee without a single dissenting vote. The majority leader and all Democratic Senators have been ready to proceed. The Republican Senate leadership is not. It has stalled and delayed and obstructed.

Unlike his predecessor, President Obama has reached out and across the aisle to work with Republican Senators in making his judicial nominations. The nomination of Judge Hamilton, which the Republican leadership filibustered, was supported by the most senior Republican in the U.S. Senate, my respected friend from Indiana, Senator LUGAR. Other examples are the nominees to vacancies in Alabama supported by Senators SESSIONS and SHELBY, in South Dakota supported by Senator THUNE, and in Florida, supported by Senators MARTINEZ and LAMIEUX. Still others are the President's nomination to the Eleventh Circuit from Georgia, supported by Senators ISAKSON and CHAMBLISS, which the Senate will not consider until the end of January because of Republican objection, and his nomination to the Sixth Circuit from Tennessee, supported by Senator ALEXANDER.

Last week we held a confirmation hearing for two more well-respected and well-qualified nominees that were the result of President Obama's effort to reach out and consult with home state Senators from both sides of the aisle, Judge James Wynn and Judge Albert Diaz. Judge Wynn and Judge Diaz have been nominated to fill two long-standing vacancies on the U.S. Court of Appeals for the Fourth Circuit. Both are from North Carolina. Senator BURR and Senator HAGAN worked with each other and with the White House on these nominations. I thank them both for their testimony before the committee last week in strong support of these nominees.

These nominations are just the most recent examples of this President reaching out to home State Senators from both parties to consult before making nominations. Just as I worked