

So I urge my colleagues to do the right thing on this amendment and vote for it. I am baffled as to why there would be hesitation about it. I think if people look at it, it is very simple. The E-Verify system is up and running. The government employment offices use it before they hire anybody for the government. Thousands of businesses are using it every day. Over 130,000 employers are currently enrolled in the program, and about a thousand businesses a week are signing up to use it. It protects them, in a way. If somebody says: You knowingly hired illegal workers, they can say: I checked and they had a good I.D. and a good name, and I did my best. And that will protect them from complaints against them. Most employers want to do the right thing. They do not want to hire people who are not lawfully in the country. So that is why it is working even as a voluntary program. We are not hearing complaints about it. It is not violating people's civil rights. It is working in a healthy way.

All we need to do now is make this system permanent, not keep leaving it out here in limbo. And secondly, let's make sure it applies to people who not only go directly to work for the U.S. Government but for contractors who do work for the government, people who are getting money under the stimulus bill, which was designed to create jobs for American citizens.

I thank the Chair, and I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. BROWN. Madam President, earlier today, just a couple of hours ago, I spoke in this Chamber about the need to expand access to generic drugs. I spoke about expanding generic access for biologics—drugs that treat cancer, and diabetes, and rheumatoid arthritis, Alzheimer's, multiple sclerosis, Parkinson's, and a whole host of disabling and often fatal diseases. I talked about how much money could be saved with a pathway to what are called follow-on biologics—or generics—and how much better access that would be for people who simply can't afford the thousands of dollars per month that it often costs for these biologics, these very expensive treatments. I talked about how it could save money for small businesses that so often pay the freight for health care, for health insurance for their employees, and how it could save money for large companies that simply aren't able to be as competitive around the world because of the high cost of these

biologics. All this is part of a larger debate about health care reform.

Just a few short days after celebrating our Nation's birthday, we are fighting for what should be a right for every American; that is, access to affordable health coverage. This isn't about the Republicans. It isn't about Democrats. It is not about my part of the country, the Midwest, or the Presiding Officer's part of the country, New England. It is not about Ohio or New Hampshire or California or Nebraska. It is about America. It is about fighting for the next great progressive chapter in our Nation's 233-year history.

Think of the progress as a nation we have made in the last hundred years. I wear on my lapel a pin depicting a canary in a bird cage. The mine workers used to take a canary down in the mines. If the canary died from lack of oxygen or toxic gas, the mine worker knew he had to get out of the mines immediately. He had no union strong enough to protect him or no government that cared enough to protect him. Think of the progress this country has made over these past 100 years since the canaries went down in the mines with the miners.

A baby born in America at the turn of the last century, say, in 1900, had a life expectancy of only about 46 years. Today, we live three decades longer because of our progressive government, because of a ban on child labor, because of civil rights and women's rights, because of safe drinking water and clean air, because of seatbelts and airbags, because of Medicare and Social Security and minimum wage and workers' compensation, and so many great things this institution has done.

Over the Fourth of July weekend, I was honored to have spent time with the Scalia family from Australia. Natalie and Greg Scalia lived in the United States, just upstairs from my wife when she was a struggling single parent. Greg Scalia was an intern, I believe at the Cleveland Clinic, making very little money. They had two children then. They now have four children. Will and Issy were born and were here a dozen years ago when they lived in the United States for a couple of years in the 1990s. Born to the Scalia family since living here and joining the family on this visit were Richie and Rosie. They came to Cleveland over the Fourth of July weekend. They did what Americans do: They went to a Cleveland Indians game. Unfortunately, typically, they saw the Indians lose—a pattern that has been all too common this year. They went to a parade in the southwest part of Cleveland, they went to picnics, and they had family time.

As I talked with Dr. Scalia and all of us talked about the current debate over health care reform, it occurred to me that this debate and the hours and hours spent by staff and Members who work in the Senate in crafting the public plan we announced last Thursday, the issue of generic drugs we engage in

today and all the work done on prevention and on quality of care and on workforce training and on stopping fraud in the Medicare system—all the different kinds of health care systems overall are really part of the American experience. But years from now, when we look back on this, we will know that it is not about terms such as "public option" or "follow-on biologics" or concepts such as preventive care, quality control, or the discharge plan, where people leave hospitals; this is really all about American families.

That is why, as we celebrated the Fourth of July over the weekend, it was particularly important to think about what we do this month in the Health, Education, Labor, and Pensions Committee, on which I sit, and in the Finance Committee—the two committees of the Senate joined with the House Ways and Means Committee and the Education and Labor Committee and the Energy and Commerce Committee—as we work on this. Our first pledge is to protect what is right in our health care system, and our second pledge is to fix what is wrong.

Protecting what is right means if you have health insurance and you are pleased with your health insurance, you keep it. No government is going to tell you to change that; you keep what you have. If you are unhappy with your insurance, if you are dissatisfied or simply have no health insurance or have very inadequate health insurance, then we can offer you private insurance or we can offer you public insurance—the public plan option, so to speak—that will give you the choices as an American citizen.

This is a historic moment for our country. This is the first time since Franklin Roosevelt thought about trying to add health care, a Medicare-like system, to Social Security in the 1930s. He backed off under pressure from the American Medical Association. In the 1940s President Truman offered Medicare. He was not able to pass it for all kinds of reasons. In 1965, President Johnson, with the huge Democratic majorities, the biggest majorities we have had in the last 70 years, was able to pass Medicare and Medicaid, and look what that brought us.

Madam President, as you join us in your first term from New Hampshire, and many other freshmen who have moved on this side of the aisle—we have sort of squeezed these desks together, as we see—we will be facing a historic moment where we will have a chance to provide health insurance and help all these families I saw on the Fourth of July reach the American dream. It is an opportunity for people who have not had health insurance and people who have inadequate health insurance to be able to provide for their families. They are working hard and they are playing by the rules. They work as hard as any United States Senator. The comforts of their job are not nearly as much as we have in this body, and they are deserving of the

same kind of health insurance that people in this Chamber have—Senators, staff people, all of us.

This is a great moment, a historic moment, as we move forward in the history of our great country.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUE. Mr. President, pursuant to Senate rules, I submit a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1298 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending amendment to H.R. 2892.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 215, an amendment to strike the earmark for the Durham Museum in Omaha, NE, from H.R. 2918, the Legislative Branch Appropriations Act of 2010; rollcall vote No. 216 on a point of order with respect to amendment No. 1365; and rollcall vote No. 217 on passage of H.R. 2918, the Legislative Branch Appropriations Act of 2010.

Had I been present I would have voted yea for rollcall vote No. 215; nay for rollcall vote No. 216; and nay for rollcall vote No. 217 and ask that the RECORD reflect that.

OBSTRUCTIONISM OF NOMINATIONS

Mr. LEAHY. Mr. President, I am sorry to see Republican obstructionism in the Senate return with such a vengeance. Just last November, the American people voted for change. They sent a new President to the White House to lead our government and sent a strong message that they expected Washington to put aside pettiness and work on their behalf on the serious problems facing them and the country. After only 6 months, it seems Republicans in the Senate have already forgotten that message.

The Senate majority leader has spoken about the difficulties he is having getting any semblance of reasonable cooperation from across the aisle. The Republicans' obstruction of Presidential nominees is a stark example. Just a few years ago, they were intent on employing the "nuclear option" and risking destruction of longstanding Senate rules and practices in order to ensure that every one of President Bush's nominees was confirmed. This

year, with President Obama making the nominations, they have reverted to the anonymous holds that characterized their actions during the Clinton years. It is impossible to find a principle that justifies this obstruction. It is likewise difficult to see what "extraordinary circumstances" exist to justify filibusters and unwillingness to proceed to consider these nominations.

The Senate's last week in session before the July 4th recess witnessed a Republican filibuster of the President's nominee to serve as the Legal Advisor at the State Department. The target was Harold Koh, the distinguished dean of the Yale Law School, a former high-ranking official in the State Department as well as a former official at the Office of Legal Counsel at the Justice Department. That filibuster was unsuccessful, although 31 Republican Senators supported it. That was not the first attempt by Senate Republicans to filibuster executive branch nominees. Earlier this year, the Senate was forced to file for cloture to avert a Republican filibuster against the nomination of David Ogden to serve as the Deputy Attorney General.

The destructive strategy culminated on June 25 when Republicans objected to confirming nine executive branch nominees reported by the Judiciary Committee for action by the Senate. They included five U.S. attorneys, 3 Assistant Attorneys General and the Chairman of the U.S. Sentencing Commission. In addition, the Judiciary Committee has reported 3 judicial nominees to begin filling the 74 vacancies in our Federal courts around the country. Republicans are turning the clock back to 10 years ago, when their obstructionism led to more than 100 judicial vacancies and earned rebukes from Chief Justice Rehnquist.

In an editorial entitled "Call It Obstructionism," the New York Times on June 28 noted that the Senate adjourned for the July 4th recess with "21 nominees for important posts awaiting confirmation." Thirteen had been reported by the Senate Judiciary Committee but remained stalled before the Senate by Republican objections. I hope this work period sees the cooperation from Senate Republicans that the American people have demanded.

REMEMBERING TERRY BARNICH AND MAGED HUSSEIN

Mr. KERRY. Mr. President, I would like to say a few words about two brave Americans who were tragically killed in Iraq earlier this year. On May 25, 2009, Terrance Barnich of Illinois and Maged Hussein of Florida died when an improvised explosive device detonated near a construction site outside of Fallujah.

Terry Barnich was the deputy director of the Iraq Transition Assistance Office in Baghdad. He had signed on for multiple tours in Iraq and was the senior American expert responsible for expanding the generation of electricity

across Iraq. Dr. Maged Hussein was the senior adviser for water resources in the Iraq Transition Assistance Office and a civilian member of the Army Corps of Engineers. He, too, volunteered for multiple tours in Iraq.

These two men represent the very best America has to offer. Both gave up the comforts of home to live in trailers in Baghdad in an effort to help provide a better future for Iraq. Countless thousands of Iraqi civilians have access to electricity and potable water as a result of Terry's and Maged's efforts. Along with the personal tragedy, their loss represents a serious setback for American reconstruction efforts in Iraq. We mourn their passing and offer our deepest condolences to their families.

ADDITIONAL STATEMENTS

COMMENDING LIEUTENANT GENERAL SCOTT C. BLACK

• Mr. GRAHAM. Mr. President, today I wish to recognize and pay tribute to LTG Scott C. Black for his many years of loyal and exceptionally meritorious service to our Nation culminating in his steadfast devotion, stewardship, and leadership of the Army Judge Advocate General's Corps as the 37th and first 3-Star Judge Advocate General. Lieutenant General Black will retire from the Army on 1 October 2009 having completed a distinguished military career of over 35 years. We owe him a debt of gratitude for his many contributions to our Nation and the legal profession, particularly during operations in support of the global war on terror.

Born on September 1, 1952, in Camp Cook, CA, this great patriot grew up traveling around the world in a military family but always considered California his home and is a resident to this day. He graduated in 1974 from California Polytechnic State University with a bachelor of arts in political science. While attending Cal Poly, Lieutenant General Black was enrolled in the Reserve Officers' Training Corps. Upon graduation, he began his military career as a commissioned armor officer. After completing the armor officer basic course and Airborne and Ranger schools, he returned to California for his first duty assignment and served at Fort Ord from 1974-1977. In 1977, the Army selected him to attend law school through the Funded Legal Education Program. He remained on the west coast and graduated in 1980 with his juris doctor degree from the California Western School of Law.

He then attended the Judge Advocate Officer Basic Course in Charlottesville, VA, before heading to Fort Bliss, TX, where he honed his legal skills serving as the chief of legal assistance; trial counsel; chief, criminal law; and as a contracts attorney. In 1984, he returned to Charlottesville to attend the judge advocate officer graduate course. In