

Well, quite frankly, what this regulation does is it gives more empowerment to consumers. It says to an insurer: You can't just willy-nilly change your plans that you had prior to April and call it a grandfathered plan. If you change it, if you make all of these big changes, guess what. You are going to have to cover preventive services without copays and deductibles. If you do all of these big changes, well, your insurer is going to have the right to appeal that. Quite frankly, I think that has a lot to do with this. We said for any new plans, the insurer has the right to appeal to a third party—not the grandfathered plans but the new plans. That is why a lot of the old plans don't want to become new plans. They don't want to give you that right of appeal.

There are restrictions on annual limits, which I mentioned before, in the individual market.

So, again, if you want to have a grandfathered plan, fine, but you can't just change it dramatically. I say again to my friend from Wyoming, read it in full. It doesn't say any changes; it says any changes based upon certain things.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. So I say to my friends, we should vote this down and move ahead with health care reform and protect the consumers of America.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, when we talk about 121 pages, we are talking about what the small businessman has to access. He has to go on the Internet and print out the pages. There are 121 pages. Yes, if he could get it in the format of the Federal Register, he would have 34 pages. But you can't ignore everything but 1½ pages. You have to do the whole thing.

Small business is upset about this. That is why I listed the 54 different organizations that are opposing this bill. I have gotten, and I am sure everybody has gotten—even though I only brought this resolution up last week, there are hundreds of letters coming in with examples of what this will do to them.

From Fort Lauderdale, FL: They received such a large increase of people being grandfathered out of the plan, they will be forced to get a new plan because they made their current plan so expensive. Now the new plans have much higher deductibles, more out-of-pocket costs, and more affordable plans only offer to pay 50 percent coinsurance. So the options are limited.

The options are limited to all of the businesses. I have letter after letter that shows how it isn't just the business that has to absorb these costs. The individuals who have the insurance who have been pleased with their insurance are going to have to go out on the open market because the company is going to say it can't afford to do it anymore. They are trying to keep the insurance, but that has been the problem for small businesses all along.

Our economy is already struggling. It doesn't need more job-killing, cost-increasing government mandates. We are hearing from small businesses across the country which are already being forced to swallow large premium increases that will prevent them from hiring more workers. That is jobs. We need to create more jobs, not write regulations that lead to less jobs.

The bill was sold as letting people keep what they have, but the devil is in the details. Do a little digging. It is clear. Americans would not be able to keep what they have. The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to be able to pursue grandfathered status.

The Enzi resolution is about protecting small business and the people who work there. Anytime an individual doesn't like what they are getting, they can go out on the open market and get something, but most of the help on getting that doesn't arrive until 2014.

Where is the cost cutting they were promised in the bill? Now we are going to add this regulation to it, and small businesses are telling me they can't afford it. If this becomes the grandfathered thing, 80 percent of small businesses are going to have to change unless my resolution is passed. Sixty-nine percent of all businesses are going to change unless my resolution is passed. People out there who like what they have—listen to this. Help your small business and help get this grandfathered thing passed.

As I mentioned, there are several organizations that are key voting on this one because it is so critical to their members and the people who work for them.

I ask my colleagues to support the resolution.

I yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—40

Alexander	Collins	Hutchison
Barrasso	Corker	Inhofe
Bennett	Cornyn	Isakson
Bond	Crapo	Johanns
Brown (MA)	DeMint	Kyl
Brownback	Ensign	LeMieux
Bunning	Enzi	Lugar
Burr	Graham	McCain
Chambliss	Grassley	McConnell
Coburn	Gregg	Risch
Cochran	Hatch	Roberts

Sessions  
Shelby  
Snowe

Thune  
Vitter  
Voinovich

Wicker

NAYS—59

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

NOT VOTING—1

Murkowski

The motion was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3081, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consideration of Calendar No. 107, H.R. 3081, an act making appropriations for the Department of State, Foreign Operations and Related Programs for the fiscal year ending September 30, 2010, and for other purposes.

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

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

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

FAREWELL ADDRESS

Mr. KAUFMAN. Mr. President, I love the Senate. It is not always a beautiful thing, and surely it is not a picture of a well-oiled machine, but years ago I found a home here. As my colleagues know, I first came to the Senate in 1973 as an aide to a young man who had won a stunning and very improbable election against a respected incumbent. At that campaign victory party 38 years ago—I can remember it as if it was yesterday—I thought to myself I would never again believe that anything is impossible.

In the intervening 37 years I have seen a lot of campaigns. I never saw one that was as big an upset as JOE

BIDEN's. When I started working for JOE BIDEN that year, I told the DuPont Company—that is where I worked—I would take a 1-year leave of absence. I stayed for 22 years.

I will soon be leaving the Senate. I am grateful beyond words to have gone through much of JOE BIDEN's Senate career as his chief of staff and observed his career firsthand. I can say if my Senate career had ended then, if I had not been called on to serve as his successor, that experience, helping to represent Delawareans and fighting for the values that JOE BIDEN and I shared, would have been more than fulfilling enough. I would have been happy.

I thank our leader, HARRY REID, who is most responsible for the most historic, productive Congress since FDR. I thank my committee chairs. They have been great to me: PAT LEAHY, JOHN KERRY, CARL LEVIN, and JOE LIEBERMAN. I especially want to thank my senior Delaware colleague, Senator CARPER, for whom I have the greatest respect and who has helped me tremendously during my last 2 years in all manner of issues. I know I am going to alienate some of my Senators, but he is without a doubt the best senior Senator in the entire Senate.

After almost four decades, I think I finally got used to the unpredictable rhythms of the Senate. In the short time since I was sworn in last January, the Senate has seen heated debate over a basic principle under which this body functions—the filibuster. All Members are frustrated with the slower pace, and they are right to be frustrated when good bills, important bills that promise to help millions of Americans, are blocked for the wrong reasons.

But rule changes should be considered in the light of the fact, which we all know, that the Senate is not the House of Representatives. It serves a very different constitutional purpose, and the existence of the filibuster remains important to ensuring the balanced government the Framers envisioned.

Indeed, the history of the Senate is that of a struggle between compromise and intransigence. But this is the place where we protect political minorities. This is the place where we make sure the fast train of the majority doesn't overrun the minority. While I think there are changes, and good changes, that are being considered, I do think the filibuster should remain at 60 votes because during the long struggle in the Senate, certain traditions have been adhered to by Members on both sides of the aisle. Whenever anyone moves to change one of those traditions in a way that may diminish the comity under which this body must function, I believe they should do it very carefully. I know my colleagues will do that.

Regardless, I continue to have faith that out of the debates in the Senate, the fights we are having now, out of the frustrations of some of the intransigence of others, we will eventually find our way toward the next great

compromises we need to solve many of our problems, compromises that will keep America great.

I am incredibly proud of the opportunity I have had to work on important issues during the brief service I have had in the Senate. I feel especially privileged to have served in this historic Congress, when there were so many great challenges facing this country. I have been hanging out in this place since 1973. There has not been another Congress like the 111th, one where we have dealt with more issues. During my first month in office, more than 700,000 Americans lost their jobs on the heels of the economic collapse in late 2008.

People are wondering why are people upset? How soon they forget. Less than 2 years ago, 700,000 people lost their jobs in a month, and it was not the first month and it was not the last month. Action by the Federal Government to stop further decline was critical—and we acted. I am proud of my vote on the American Recovery and Reinvestment Act. I believe the ARRA worked to arrest the financial free fall to jump-start the economy—and if I had another hour and a half, I would show my charts and graphs to demonstrate it.

All across Delaware I have seen the benefits of this law—the investments in infrastructure and education and new technologies for our future, and I met with the people whose jobs were saved, literally met with the people whose jobs were saved or who found new employment that flowed from these investments.

We succeeded in passing many other initiatives to foster growth and to bring much needed help to those who have been hit hardest by the recession, which was my No. 1 job in the Senate. As Senator CARPER knows, it is all about jobs, jobs, jobs. We actually did a great many things that I firmly believe helped make us a stronger country.

As you know, as you grow older you realize that life is not about what you accomplish or about winning. It is about having tried, and I feel good that I tried my very best.

I was so pleased to work with Senators LEAHY and GRASSLEY on the Fraud Enforcement and Recovery Act, to chair oversight hearings in the Judiciary Committee on law enforcement efforts to pursue financial fraud associated with the financial crisis, and to sit with my friend, Senator CARL LEVIN, as he and the Permanent Subcommittee on Investigations held hearings on financial fraud. I was honored to be a part, as were all of my colleagues, of two Supreme Court confirmation hearings for Justices Sotomayor and Elena Kagan.

I had the distinct honor, and it is a true honor, of serving on the Foreign Relations Committee with Chairman JOHN KERRY and ranked member DICK LUGAR, as well as on the Armed Services Committee with Chairman LEVIN and Senator JOHN MCCAIN.

I made two trips to Israel and the Middle East, three trips to Afghanistan and Pakistan, and four trips to Iraq in the last 18 months. I know a number of things: No. 1, we must build our civilian capability for engaging in counter-insurgency, and in this Congress we passed legislation to enhance civil-military unity of effort through joint training at Camp Atterbury.

Along with Senator BROWNBACK, I co-founded the Senate Caucus on Global Internet Freedom to promote greater access to freedom of expression and freedom of press online.

I also highlight the importance of U.S. public diplomacy efforts, especially international broadcasting. As you know, I served on the board for 13 years—there is nothing more important in our battle than international broadcasting and public diplomacy. I sought to raise the awareness of the limitations on press freedom in countries such as China and Iran through the passage of resolutions and have co-authored legislation funding the development of Internet censorship circumvention technology in Iran—getting around the jamming that Iran is doing to deny its citizens the right to get information on the Internet.

I have also had the privilege of working to promote science, technology, engineering, and mathematics, or STEM, education during my time in the Senate. As a former engineer, I know firsthand the importance of STEM education.

I spent much of my career in government service, and I decided early in my term to come to the Senate floor each week and recognize the contribution made to this country by our Federal employees. I honored 100 great Federal employees from this desk, sharing their stories and accomplishments with my colleagues and the American people, and I am very pleased that Senator WARNER from Virginia is going to be taking that on when I leave. I could not have left it to a better person.

Last but not least, I have tried my hardest to be a voice for the average investor and to work for financial accountability and stability so our economy can thrive. That is what it is about. We can't thrive if we don't have credibility in the markets. I offered legislation with my good friend, Senator JOHNNY ISAKSON, to curb abusive short selling. I gave a number of speeches on this floor, from this desk, calling for the Securities and Exchange Commission to conduct a comprehensive review of equity market structure and high-frequency trading and to advance reforms that promote clear and transparent markets—not always clear and transparent to everybody listening. As I said from the floor dozens of times, it is critical that we preserve the credibility of our markets, one of our Nation's crown jewels, if our grandchildren are to live in the most economically powerful country in the world.

Finally, I repeatedly highlighted from the Senate floor the importance

of the problem of too big to fail in the financial reform debate, working with my good friend, Senator SHERROD BROWN, to offer the Brown-Kaufman amendment. We made the good fight but, again, trying was better than succeeding—not better but the alternative to succeeding, and I thank every Senator who voted for that amendment. I am proud of that. While our amendment was not agreed to, I will ever be proud of the opportunity to work with Senator CHRIS DODD and participate in Senate debate on financial reform.

I could not have achieved anything—and I genuinely mean anything—during my term without the help and hard work of my excellent staff. I spoke early this week about the staff. They are vital to our work. I am going to tell you as someone who spent years delivering staff work and now someone who has been a consumer, I am more impressed than ever with my staff, and with Senate staffs and the job they do.

I want the American people to understand that one of the reasons I love the Senate is because it is filled with intelligent, hard-working people who are passionate about serving this country. This goes for Members and staff alike. The Senate is a magnet for those who feel called to public service. It is the destiny for countless improbable journeys. Our constitutional Framers would have been relieved to see this noble experiment working, to know that in the Senate today serve a farmer from Big Sandy, a realtor from Cobb County, a mayor from Lincoln, a former Army Ranger from Cranston, a social worker from Baltimore, and a doctor from Casper.

All of them are here for the same reason as the other Senators—because they love this country and their communities dearly and want to give back. Their paths to public service may have been different in their first steps just like mine was, but they converged here and this is what continues to sustain my faith in the Senate.

Here this leg in my improbable journey comes to an end. Although I leave the Senate as a Member, I will not be leaving the Senate behind. I will continue to teach about the institution to my students and encourage them to pursue their own path to public service. I will continue to speak out on issues that I worked on here because that important work, as always, goes on.

I love the Senate, and I will always cherish the unlikely opportunity I had to serve Delaware as its Senator. With deep gratitude to those who worked with me and stood by me through my journey—to my staff, to my colleagues, to my wife Lynn, to our children, grandchildren—with great appreciation to former Governor Ruth Ann Minner and the people of Delaware for the responsibility they gave me, and with optimism and faith in the future of the Senate and this great Nation, for the last time, I yield the floor.

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

COMMENDING SENATOR TED KAUFMAN

Mr. WARNER. Mr. President, for a variety of reasons, turnover in the Senate has been more rapid recently than at almost any other time in our history.

For some of us, the turnover has been the result of elections. For some, it has been the result of the passing of Senate legends Ted Kennedy and Robert Byrd, and as a result, as well, of filling Senate seats once held by our President, Vice President and the Secretaries of State and the Interior, while most of us—I think I saw a number of my colleagues from the freshman class here earlier listening to my good friend and colleague from Delaware—got here through the ballot box. We have been blessed to serve with some extraordinary individuals who were appointed to serve in this body.

Perhaps no one stands out more in this regard than our colleague for the past 21 months, the Senator from Delaware, Mr. TED KAUFMAN. But I think most of us have come to know Senator KAUFMAN's service to this body extends well beyond the 21 months he served as a Senator.

In fact, as we just heard from his comments, and he is oft to remind all of us freshmen, he actually has spent most of the last 20 years serving previously as a Senate staffer.

No matter how accomplished—I think we have former Governors, former State senators, folks who have been superintendent of school boards—no matter what our background was before we got to the Senate, we all have had a lot to learn about the peculiar institution rules, morays, and the flow of this body.

I think I may speak for some of my colleagues in the class of 2008, TED KAUFMAN has been an extraordinarily generous resource. He has known the rhythms of this institution, has been someone who has counseled us at times as our—at least I can speak personally—my head was about to explode about some of the process, to kind of sometimes recognize the need to tune out some of the ceaseless distraction, to recognize the great power of this institution and, as he has demonstrated by his own conduct, that sometimes the best path is to simply keep your head down and do hard work.

Senator KAUFMAN, in his speech, went through the litany of activities he has participated in, in that short 21 months. I know we have other Members. I wish to speak about two of them, briefly. One was the incredibly important role he played on financial reform and, secondly, this, I think perhaps much underrecognized but incredibly important role, a role he has been kind enough to leave to me, pass the torch to me, in terms of recognizing our Federal workforce.

Senator KAUFMAN did not serve on the Banking Committee. But in terms

of nonmembers on the Banking Committee, there was nobody more active in financial reform, on a host of issues, than TED KAUFMAN. We did not always see eye to eye. But nobody approached issues with more thoughtfulness, more hard work, and more generosity of spirit, who recognized we could have different opinions, but we both realized the financial system needed to be dramatically reformed.

But the area I particularly wish to call attention to is the fact that it was TED KAUFMAN, before virtually anybody else in this body, and for that matter beyond most of the commentators in the financial markets, who spotted and identified what could be the first sign of the next potential financial crisis, the lack of transparency, particularly around high-frequency trading and some of the techniques and tactics used by firms to institute that tool.

As the Member who oftentimes had the privilege, respectively, of sitting in the chair on Monday afternoons, I got to be educated by TED KAUFMAN, as he mentioned earlier, as he went through an explanation of the challenges this technique posed.

Because of his actions and working with Members across the aisle, he has raised the attention of the SEC to this very important issue. Again, this is an area I hope to pick up the baton on. Because the actions of May 6, in terms of the precipitous fall in the stock market, could have been that first warning shot, in many ways perhaps due to some of the techniques TED KAUFMAN has simply said let's bring more transparency to.

Senator KAUFMAN, as well, has done something that perhaps most of us in this institution and, for that matter, most of the 300 million Americans do not often pay enough homage and respect to, literally, millions of folks who work for the Federal Government.

As somebody who has committed his whole life to public service, and most of that public service in serving the Federal Government, Senator KAUFMAN decided, during his tenure, that each and every week he would come down and recognize somebody who works in the Federal Government who is a star. He has now recognized over 100 of these Federal employees, and Senator KAUFMAN has again reminded all of us that while we have challenges in terms of getting the Federal Government right, we still have in the Federal workforce the best in the world. I, again, look forward to the honor of picking up that baton.

Public service is never easy at any moment. But I cannot think of a time in my 20 years around public service that its times are tougher than now, with a great kind of disregard about many of us who serve. But I can think of no better example of someone throughout his whole life who exemplified the best of public service, serving the staff roll, serving as a Senator,

constantly calling us to our better angels, recognizing the great traditions of this body.

So while we heard that Senator KAUFMAN for the last time yielded the floor, at least it is my hope, and I believe the hope of many of my colleagues, that you will still continue to frequent this institution, that you will still continue to be an individual whom we can count on for respect, for guidance, and recommendations.

I have to say that while you will be missed, this body will be greatly diminished by your absence. I again wish to salute my colleague, I wish to salute my friend, and I thank Senator KAUFMAN for his distinguished service to not only the people of Delaware but to the people of the United States.

I yield the floor.

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

Ms. STABENOW. Before I speak about a very critical piece of legislation, I wish to join the Senator from Virginia in recognizing our friend and colleague from Delaware who has done such an extraordinary job in the time he has been here. I wish to associate myself with the comments of the Senator from Virginia.

There is no one who brings more intelligence, passion, commitment or generosity of heart than the Senator from Delaware, and the fact that he has given his life to public service is something we all thank you for. You will be greatly missed.

UNANIMOUS-CONSENT REQUEST—S. 3706

Mr. President, I rise this afternoon and join with my friend from Rhode Island as well, a cosponsor, to speak about a critical issue affecting millions of Americans around the country. That is the question of lack of jobs and the need to help those who, through no fault of their own, find themselves without a job, trying to hold things together for their family, trying to keep moving, looking for work at a time that is incredibly difficult for our country.

So I rise to speak and to offer S. 3706, the Americans Want to Work Act, and to ask that our body act on this today—now. Americans want to work. That is a fact. That is a fact. People want to work. But this is the worst recession in our lifetime, the worst since the Great Depression.

Millions of people are out of work through no fault of their own and they need our help. Things are beginning to turn, but it is painfully slow, and too many families are caught in the middle. Nationally, we know the unemployment rate stands at 9.6 percent, much higher in my home State of Michigan. Of those, 42 percent who have been out of work have been out of work for more than 27 weeks and many of them, too many of them, much longer.

The reality is, as much as people want to work, there are, frankly, not enough jobs. When people say: Well

why don't folks get out and get a job, go out and get a minimum wage job, the reality is there are five people are out of work for every one job that is available. That is a fact.

Now it is better than it was. At one time, it was six for one job opening. So we are creeping along. But the reality is we still have five people out of work for every one job. It is not their fault that they cannot find a job in this circumstance. We know there are about 3 million jobs available nationally, and there are more than 15 million people who need a job. We cannot just walk away from them, from this circumstance, caused by an economic tsunami between the crisis on Wall Street, between our lack of focus over the last decade on fair trade laws.

We have seen too many jobs being shipped overseas, which we tried to address yesterday and could not get any of our Republican colleagues to support us on to be able to get past that. There are multiple things that have happened but none of them caused by the people who have lost their jobs.

This is a moral issue as well as an economic issue. That is why I have authored the Americans Want to Work Act. I wish to thank all the cosponsors. First, I wish to thank our majority leader, Senator REID, who has given us the opportunity today to make the case and who understands the incredible urgency of this issue, and to Senator SCHUMER as well, who has been a great partner in this effort in combining an extension of unemployment benefits with his very successful HIRE Act, to be able to give a one-two punch.

I also wish to thank Senator BROWN of Ohio, Senators CASEY, DODD, LEVIN, REED, GILLIBRAND, LAUTENBERG, and Senator WHITEHOUSE. Our bill does two things to help people who have been out of work the longest. It creates a new tier of unemployment insurance that extends benefits for an additional 20 weeks, and it extends and expands Senator SCHUMER's HIRE Act tax credits to encourage companies to hire those workers who have been looking for work the longest.

I realize this is the longest extension of unemployment benefits ever. I understand that. But this is also the worst recession in our lifetime, and we also need to understand that. I have received so many phone calls and letters from people all across my State who are trying so hard to get work. They are out every single day pounding the pavement or checking the Internet. They are filling out applications. They are sending out resumes. They are making phone calls, trying so hard to find a job so they can put food on the table for their family and, frankly, keep their head above water, try to keep their house above water, to be able to have a roof over their head while they are looking for work.

They want to work. They do not want to be getting unemployment benefits. They do not want to be in this situation. They want the dignity of

having a good-paying job so they can provide for themselves and their families.

I wish to share just one of the thousands of stories I received over the last month. It comes from Janice in Sterling Heights, MI.

At the age of 54—

She writes—

I have already worked 35 years of my life. Back when I was young, there was always talk of 30 and out. Never once did I dream at my age that I would be unemployed for over a year. That even though I apply for any job I am qualified for, I never hear back. Now, all I have to look forward to is working until the day I die, wondering where my health care is going to come from, and how I am going to be able to continue to pay my bills. I do not know how long I can hang on until my current unemployment benefits run out. I have nothing, nowhere to go, if evicted. I am so angry because I was brought up that working hard all your life is what you are supposed to do to have a home and a family and a retirement.

That is exactly what we are talking about—people who do nothing but work hard and play by the rules and are found in a situation they did not create.

She goes on to say:

I am angry and disappointed in the government because they are taking away benefits I have expected to be there after working for 35 years and paying into this system.

There are millions of stories like Janice's, not only in Michigan but in every State. We have been working hard to create jobs, to get the economy back on track. We have passed, according to Business Week, four major jobs bills, including the small business jobs bill passed a couple of weeks ago and the President signed on Monday. That is expected to create hundreds of thousands of jobs. The reality is we are in a situation where the majority of our Republican colleagues voted no on the small business jobs bill. Yesterday they blocked our ability to bring up a bill to close loopholes, to stop jobs being shipped overseas. We now stand asking that they not block again help for people who can't find work because this economy is not moving fast enough.

I hope today my colleagues will join me in passing the Americans Want to Work Act. We should not walk away from so many Americans who are looking for work and need our help. I urge my colleagues to join us in saying yes on something, yes to the millions of Americans who want to work.

I will offer a unanimous consent request in a moment. I yield the floor to my friend, the Senator from Rhode Island. Then I wish to return to make my unanimous consent request.

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

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Michigan for her eloquent words that try to bring into this institution some of the difficulties and anxiety and pain

families in our States particularly are feeling. Because while the national unemployment rate is at an atrocious above 9 percent, in our States it is considerably worse. In Rhode Island the unemployment rate hovers still around 12 percent. This has been a prolonged recession. For many Rhode Islanders, they have been out of work for as long as unemployment insurance benefits allow. Now they are coming to the end of the 99-week period under which they are allowed to recover. The plain, unvarnished fact is that the jobs aren't there. In a different economy, I might be less impatient with the argument that we have to cut off unemployment benefits on folks because, frankly, after a while they get lazy. And if we don't cut off the benefits, then they will wait around, collecting their unemployment, goofing off and not going back to work. That is the argument I hear made against this all too often.

When one is in a State where the jobs simply are not there, where the economy has not come close to recovering, then it is not logical, and it is heartless and wrong. There are now more than 65,000 Rhode Islanders out looking for work. By contrast, the economic recovery bill created 11,000 jobs in Rhode Island. It would be far worse were it not for the action we took. But when we compare 11,000 families who now have jobs and paychecks because of the Recovery Act to the 65,000 still wondering when is this economy coming back for me, clearly we have a lot of work to do. To extend unemployment benefits for those who have run it through is the least we can do.

I remember visiting not too long ago Network Rhode Island, a job placement agency in Pawtucket and speaking to a married couple, a middle-age married couple sitting side by side at one of the computer screens looking for something. They come in to look every day. They have filed hundreds of applications for jobs. They have been unable to find anything because of the job market. They said: We are anxious. We are running out of our benefits. This was one of those occasions when the Republicans had filibustered extending unemployment benefits, adding additional funding. I assured them that when we got back we would be restoring those benefits, and we would be protecting them because we had that commitment and we had that determination. They said: No, you can't help us. We are in the 99ers. We have come to the end of the duration for which you are allowed to collect unemployment benefits.

I felt helpless, that there was nothing we were doing for them. Senator STABENOW and I discussed this problem. She filed this wonderful legislation, of which I was an immediate cosponsor. It addresses a problem that at least in our States is very real.

Two of the Rhode Islanders who have written to us and contacted me about this have let me use their images. Just so we are not always talking about

heartless, bloodless statistics on the floor, 12 percent, 65,000, there are real people behind those statistics. There are real families. There are those terrible late nights at the kitchen table trying to figure out how you keep the mortgage, how you keep the health insurance, what you cut, what you give up. Those are discussions that are being had by real families.

This is Michael Coppola. He lives in Smithfield. He was a truckdriver for the same company from 2000 to 2007. He was laid off in October of 2008 when his unit closed. This month Michael hits the current 99-week limit for unemployment insurance benefits. He has had to give up health insurance. He is trying to keep up with his mortgage payments so he doesn't lose his house and add to the tide of foreclosures sweeping across Rhode Island and the rest of the country. His wife is totally disabled. As a result, she receives Social Security benefits and that is helping them keep the family together. But he wrote me to say:

Any extension of benefits for people like me who have exhausted their benefits would help allow me to stay in my house, pay my taxes, and [allow me] to regain my health coverage.

Michael actually took this picture for us so we could have a picture here to show on the floor and put a human face on this problem that is so often drowned in statistics.

Here is another Rhode Islander from Portsmouth. This is Nancy Babcock. Nancy is 59 years old. She lost her job about 24 months ago. She had worked for 15 years steadily in the insurance industry. Next week she hits her 99-week limit. She has been able to find a little bit of part-time work, but it has not been enough to pay her bills and keep her finances afloat. Rhode Island's WorkShare program has permitted her to supplement her unemployment insurance benefits with a small amount of part-time income. This is a woman who has worked essentially all her life, who while on unemployment insurance has tried to find what work she could find and was permitted and has continued to look for work. She has a bachelor's degree. She has several industry certifications. She has extensive background in sales and marketing. Despite the long drought of unemployment she has had to live through, so many Rhode Islanders have had to live through, she is still out there every day looking for work, hoping the economy will turn for her. She has been going through the classifieds, beating her feet against the pavement trying to get to places where she might get an interview. She has been reaching out to friends, doing all the things that families do in this circumstance, trying to reach out wherever she can, and still, after 99 weeks, to no avail.

I thank Senator STABENOW for her leadership. In a better world, this would be an easy thing and the unanimous consent to allow us to go to this bill and extend these unemployment

insurance benefits would be uncontroversial. It should be clear to anybody that these people have lost their jobs and have been out of work for this lengthy period through no fault of their own. Michael was not fired for cause. Nancy didn't lose her job because she did something wrong. The people who did something wrong were in Wall Street, with the Securities and Exchange Commission, creating phony baloney securitization of home mortgages. Most of them got bailed out. The banks are back rolling, firing off the big bonuses, reporting huge earnings, not loaning much money yet but taking care of their folks, rolling in the paychecks and the bonus checks. They are back on their feet again. But for the people who got clobbered by the tsunami of economic catastrophe that the Wall Street implosion and the housing implosion set off, they are still being washed around. Nobody has bailed them out.

Let's extend the unemployment insurance they have been contributing to, that they are a part of. Let's help our fellow Americans weather this unique financial storm.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the Senator from Rhode Island. He is correct. The folks at the top got bailed out, and middle-class families are stuck on the hook. Five people looking for every one job. It is critical that we act. I am hopeful that instead of hearing another round of no, we will hear yes and that people will come together. There are millions of people out of work who have hit this wall. They are in every State. They are in red States, blue States, purple States. They are in every State. This should not be a partisan issue.

On behalf of millions, at least 2 to 3 million people who find themselves in this particular situation, who are asking us to understand, who are asking us for help, asking us to give a lifeline to them so they can care for their families and get back to work, I ask unanimous consent that the Finance Committee be discharged from S. 3706, the Americans Want to Work Act; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statement relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEMIEUX. Mr. President, reserving the right to object, may I ask of my colleague from Michigan a couple of questions.

Ms. STABENOW. Yes.

Mr. LEMIEUX. We have just been handed this. I wonder if my colleague could let us know what the cost of this bill is and how it is paid for.

Ms. STABENOW. The bill is designated, as other unemployment extensions have been designated, as emergency spending, just as we would do for

any other catastrophe. If 15 million people out of work isn't an economic disaster, I don't know what is. For the millions involved, this is viewed as disaster assistance. We intend to move forward with a sense of urgency to put people back to work so in fact we will turn this economy around.

Mr. LEMIEUX. Respectfully, without knowing how much it is going to cost and how we will pay for it, while we are all certainly sympathetic and want to work to make people go back to work—my home State of Florida is certainly suffering with very high unemployment—we need to know what it is going to cost and how we will pay for it so we don't put the debt on our children and grandchildren.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. STABENOW. Mr. President, the reality for us in America is that we will never get out of debt. We will never get out of debt with more than 15 million people out of work. We know it is substantially more than 15 million. We know there are millions of others who have exhausted their benefits. When folks talk about the deficit and leaving the deficit for our children, we will never get out of debt in this country until people get back to work, until they have good-paying jobs. And in between time, we will not move this economy forward until we are helping people to keep going in this recession.

We know from the economists that for every \$1 we put into the kinds of benefits we are talking about in this bill, we are stimulating more than \$1.40 into the economy. So it more than pays for itself by the economic activity, and it is viewed as one of the top two best ways to stimulate the economy in a recession: to put money in the pocket of people who have to spend it because they do not have a job.

I deeply regret that one more time it is "object" and it is "no" under the false argument that somehow we cannot afford to stimulate the economy, to understand that this is about Americans who want us to understand what they are going through, and to give some temporary assistance that does stimulate the economy, while we are focusing on putting people back to work.

Unfortunately, this is the end of a week that demonstrates tremendous frustration, after we were able to get the small business jobs bill done, and then we hear "no" on efforts to stop jobs from going overseas, and "no" on helping the people caught because their jobs went overseas. So I am deeply disappointed. We will continue to bring the case of these millions of people to the floor of the Senate.

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

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

Mr. JOHANNIS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes as in morning business.

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

(The remarks of Mr. JOHANNIS pertaining to the introduction of S. 14 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHANNIS. Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

#### NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, this is a big day because in the House, they are about to consider the NASA bill we passed by unanimous consent in the Senate back in the first week of August. It is on what is called the consent calendar in the House which, in order for any of the six items on that consent calendar to be considered, they have to pass with a two-thirds vote. They are generally items that are less controversial in nature. It is certainly my hope that is going to be the case later this afternoon when the House takes up the NASA authorization bill.

This is so important because the new fiscal year starts this Friday, October 1, and NASA is without direction. Even though the appropriation is going to be decided in our lameduck session starting in November—probably by taking a whole bunch of appropriations bills and putting them together into what is known as an Omnibus appropriations bill and therefore the funding for NASA would be determined at that point. But this bill, the authorization for NASA for funding, for appropriations, is the blueprint, the roadmap. Even though certain appropriations may not be available until November or December, this gives direction to NASA to know what to do.

For example, in our bill—there is an additional shuttle that is ready to fly beyond the two that are scheduled, one for November and one for February. That hardware is ready to go, and there is still additional equipment and supplies that we need to get to the space station. So our proposal in the authorization bill is, which was agreed to by the Senate Appropriations Committee

that appropriated very closely to what the NASA authorization bill was in the Senate, it gives the direction to NASA to go ahead and start the preparations for that third flight of which all the hardware is already there. But they have to know that. They can't wait around until next January or February to start that preparation; they have to start it now. These are some of the critical issues.

It is also critical that, for example, at the Kennedy Space Center, there are 1,100 jobs that are going to terminate tomorrow. This NASA authorization bill lays out the program for the future so they can start planning on some of those jobs that would be lost that may not be lost or recalled. That is why it is my fervent hope that we are going to get at least, if not more than, two-thirds of the House voting this afternoon to pass the NASA bill and then send it to the President for signature next week.

Most of us have seen Ron Howard's dramatic film starring Tom Hanks called "Apollo 13." Tom Hanks played the commander of that mission, who was Jim Lovell. Remember, that was the mission, Apollo 13, where en route to the Moon there was a major explosion onboard. We thought we had basically three dead men because how were we going to bring them back. It is one of the greatest space successes coming out of failure because, real time, astronauts back in Houston and the engineers all over America—at the cape, at Houston, all in different NASA facilities, the industries, the aerospace corporations—they all came together trying to figure out how we were going to get this crippled spacecraft back that had just lost its power, that had just lost its engines. Of course, that is one of the great success stories, that they brought it back, and "Apollo 13" chronicles that enormous success.

Tom Hanks, who is playing Jim Lovell—in a part of the film, a person asks Jim:

Jim, people in my State are asking why we're continuing to fund this space program, now that we've beaten the Soviets to the Moon.

This is back in the late sixties and seventies because, remember, it was President Kennedy who said: We are going to the Moon. And we landed well before the Soviet Union did. They tried, but they never could make it. We landed in 1969.

That person said:

Jim, people in my State are asking why we're continuing to fund this program, now that we've beaten the Soviets to the Moon.

What does Jim Lovell say? He said:

Imagine if Christopher Columbus came back from the new world—and no one ever returned in his footsteps.

If we had not had discoverers who were willing to discover the unknown, if they had not gone back to the new world, we would not be here today. We would not have this wonderful country that has been built.

I think it is a truth that a society which does not seek to expand and explore is not going to be a society that will foster freedom and creativity, individuality, or progress.

Think about the birth of this Nation. We are, by nature as Americans, our character is that we are explorers, we are adventurers. We set out and explored this Nation, following the longings of our souls. And each generation born since has advanced constantly and consistently, such that today we have to decide where do we go next.

This country always had a frontier. When John F. Kennedy announced that we were going to the Moon, he had an administration that was called the New Frontier. We remember the development of this country. The frontier developed westward. Where is that frontier now? That frontier is upward. Then with the discoveries we are finding in science, it is also inward. It is the discovery of matter. It is the discovery of the workings of the human body and how to keep it healthy. And it is the exploration upward of space.

What President Kennedy said was:

The exploration of space will go ahead, whether we join in it or not.

He said:

It is one of the great adventures of all time—and no nation which expects to be the leader among other nations can expect to stay behind.

Since those prophetic words of President Kennedy back in the early sixties, when the Soviet Union had beat us into space with the first satellite and then beat us into space with the first human to orbit, we see what this Nation has done. Look at what we have received on Earth from the first 50 years of exploring space. We went to the Moon, and we have gone beyond. We have gone out of the solar system with exploring satellites, spacecraft. During this time, this space program has produced thousands of scientists, mathematicians, and engineers. And it has helped make our Nation one of the most advanced and powerful in history. It has advanced the cause of science, and it has dramatically improved the quality of life on the surface of the Earth.

Why do you think we have the GPS that can tell us, at a moment, the pinpoint location of where we are? Why do you think we now take it for granted to turn on our TVs and have instant, uninterrupted communication on the other side of the globe real time? Why do you think we take it for granted that we turn it on if we hear of an inbound hurricane and that we can also monitor climate change?

We now, fortunately, have airbags in our automobiles. We have modern medical miracles such as kidney machines and heart ultrasound equipment and LASIK surgery. Where do you think all these things came from? They came from the spinoffs of the development of technology for the space program.

Look at a little watch such as this, which I have had for years. That came

out of the microminiaturization revolution. Where did that come from? Back when we were going to the Moon, we had to develop highly reliable systems that were small in volume and light in weight. That set off the microminiaturization revolution.

As a result of all these spinoffs, we have created new companies and tens of thousands—hundreds of thousands of jobs for skilled workers.

Back in the summer, working with the White House, we developed this bipartisan legislation to get NASA on what we think is off the wrong track and on the right track. As I said in my opening comments, the House is taking up the Senate bill in about an hour, hour-and-a-half.

What the President did was he declared Mars to be the ultimate goal. The goal is not to go back to the Moon. We were there 40 years ago. The goal is to get out of low-Earth orbit, get out of Earth's environment, and to explore the cosmos. The Senate bill provides the blueprint for NASA to lead the way for humans to explore beyond low-Earth orbit.

We recognize that more nations and more commercial operators can get into space. Look at all the private services now that you can get from a satellite: photographs of the ground, photographs of buildings—incredible—high-resolution photography. You can buy that from private companies.

The Presiding Officer used to be a major radio broadcaster off of a satellite radio. Where do you think that comes from? That was developed with technology that came out of the early days of the space program. That has been perfected and is now a multibillion-dollar business that employs Americans. Clearly, the Cold War shaped our space program to begin with—we against our adversary, the Soviet Union, the two nuclear-tipped nations. Look now. We have built the International Space Station with the Russians and 14 other nations.

Now we have the space station there but the shutdown of the space shuttle coming in another year. The space station is being completed in its construction, but NASA was starved over the last decade, and we do not have the new rocket ready. This legislation is going to reduce the time we have to depend on Russia for access to space, even though they have been a good partner, and their *Soyuz* spacecraft is a reliable way to get to and from the space station. It is going to shorten the time we have to depend just on them to get to the International Space Station.

As a result of this new legislation, many of the space centers that would receive huge layoffs—and as I said at the outset, there are 1,100 pink slips that have been delivered and take effect tomorrow afternoon just at the Kennedy Space Center and 1,000 or so more are coming at the Johnson Space Center and other space centers around. So what our legislation will do is it will push NASA's development of a new

heavy-lift rocket that will allow us to explore the cosmos, it will push it forward with a goal to fly by 2016, and it would make a significantly higher investment in commercial space ventures, specifically by accelerating the development of commercial carriers to take both cargo and crew to and from the International Space Station.

Previously, NASA was going to shut down the space station by 2015. This is 2010, almost 2011. We are just completing the space station. Are we going to throw away, in 4 years, an investment of \$100 billion? No. What this bill does, upon the suggestion of the President—which I appreciate so much—it is going to keep the space station alive until the year 2020.

Now we have the time to move forward and start to get out and explore the cosmos. The bill develops the in-space technology that can help in the servicing and reusing of equipment to lessen the need to launch from Earth for future trips. By that I mean we take this heavy-lift vehicle, we get components up into low-Earth orbit, and in the zero gravity of the orbit with the capability of on-orbit refueling, we can put spacecraft together up there and not have to expend the energy to get out of gravity when we go out to an asteroid or we go out ultimately to Mars. It requires that this heavy-lift vehicle be designed to get us to other points beyond low-Earth orbit in a flexible path to Mars.

Rather than throw away the investments and capabilities that have already been developed in this space shuttle, we direct NASA in this bill, to pursue an evolvable heavy-lift vehicle, one you can build from the existing technology but you can improve that hardware.

At the same time, we insist that it be affordable. Designing and building within a budget is obviously the new challenge for NASA. NASA, too long in the past, has blown through budgets. It is a different day. It is a different discipline. That discipline is going to be needed at NASA.

Our objectives are now beyond just getting to and being in space. We must now answer some questions. Can we harness new sources of energy in space for use there and for use here on Earth? Can we sustain human life on distant journeys? Present technology would take us 10 months. A crewmate of mine is working on a plasma rocket that will take us to Mars in 39 days. But the fact is, once we are there, we have to be on the surface of Mars for a year. Why? Because of the alignment of the planets, to get Mars back closest to Earth for the return trip. Can we sustain that human life? Can we develop the technology for those journeys? What about all the cosmic radiation from the Sun—nuclear explosions. You can't fry your astronauts with radiation on the way to Mars. Can we establish permanent outposts beyond Earth?

Our vision is, we are going to explore asteroids, possibly go back to the

Moon, and then to the surface of Mars, as this country, as the leader, and the rest of humanity journey toward the ultimate destiny in the stars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I ask consent to speak in morning business for up to 15 minutes.

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

#### THE FILIBUSTER

Mr. MERKLEY. Mr. President, we are only a few weeks away now from the November elections. Therefore, this is a time for reflection. For me, it is a time to recognize I am nearly through my first 2 years as a Senator. I must say it is an incredible privilege to come and be part of this debate among these 100 colleagues, representing our 50 States.

It is also time to ponder whether that debate works as well as it might. The Senate is famed as the greatest deliberative body in the world, but I have seen too little deliberation and too much dysfunction. At this time, as we prepare to return back home to our citizens, to talk to our folks back home about the upcoming elections and the ideas they have, it is also time to think about when we come back, after these elections, after a new Congress comes in next January, how can we make this Senate work better as a deliberative body.

My perspective is affected not just by the time I spent here since January 2009 but by the perspective of first coming here in 1976 as an intern for Senator Hatfield. So I thought I would compare the use of what is commonly termed the "filibuster" between the 1975–76 session and our last complete session, the 2007–2008 session. We had in that 2007–2008 session the use of the filibuster on amendments 30 times. But if I turn the clock back to 1975–1976, 35 years ago, the number was zero. There were zero filibusters. Then, on motions to proceed, there were 3 in 1975–1976; there were 49 in 2007–2008.

You get the picture. Not only is there a huge increase in the use of the filibuster to block final votes but also a huge increase to stop votes on amendments and a phenomenal increase to stop getting to a bill at all. Again, it was only used 3 times 35 years ago but 49 times in the 110th Congress.

We cannot have a democracy that works if we can't debate and vote on bills. I have been pondering this. I have been pondering how first we need to understand how these rules work. I used the term "filibuster," and indeed with that term everyone pictures "Mr. Smith Goes to Washington." He stops a vote by continuing to speak, hour after hour. But that is not actually how the rules work in the Senate. The responsibility to block a vote, if you will, is not by those who object to the regular order, who object to a vote of 51, but it is on the majority to summon a supermajority.

So take that notion of a filibuster and continuous speaking and set that aside because that is not the way it works in this body. The way it works is if a single Senator objects to the regular order of 51, then the majority must obtain a supermajority of 60 to proceed. That is why you do not see folks holding the floor day and night to block a vote—because they do not have to. It is because the burden is on the majority to get 60 votes to proceed.

This does a lot of damage. It does a lot of damage in terms of delay because when that single Senator says I object to the regular order of 51 and demands 60, not only under the rules do they trigger a 60-vote requirement but they also trigger a 1-week delay.

So you can imagine on a single bill, such an objection on a motion to proceed, an objection on one or two amendments, objection on final passage, and you now have a month wasted in this body without a final vote, with no terrific intervening debate because those who are objecting do not need to stay on the floor and make their case. Not only does this do a tremendous amount of damage to our responsibility as a Congress, as a legislative body, but it does a lot of damage to the other branches of government because it means we cannot process the nominations for the judicial branch. So, many judgeships are sitting empty as a result.

It means we cannot proceed to the nominations of folks for the executive branch. So a President probably gets the Secretaries in place, but often the second and third tier positions that develop the policy and execute the work, implement the plans, those positions are often vacant. There is nothing in our Constitution that says the right to advise and consent and indeed the responsibility to advise and consent gives this body the right to do damage to the other two branches of government. Indeed, it is an abuse of our responsibility to do so.

There are a number of things we should think about. I would like to applaud my colleagues who are putting forward so many ideas: CHUCK SCHUMER, the chair of the Rules Committee, is holding hearings; TOM UDALL, who is carrying our red rule book and studying it and thinking about the ways we can change this body; AMY KLOBUCHAR, who has recognized for a long time that dysfunction is different than deliberation; MICHAEL BENNET from Colorado, and many others—my colleague, AL FRANKEN, who is presiding. So many in the freshman and sophomore classes recognize this body needs to change so we can do the work we are expected to do by the American people.

So what are some of those ideas? One is to greatly reduce the use of the supermajority, which I will call it, because it is a much more accurate description than the filibuster. Reduce the use of the filibuster on nominations. Perhaps it should not be used on any nominations except perhaps to the

Supreme Court. But find a line and a method to expedite nominations.

Second, reduce the use of the filibusters on motions other than final consideration of a bill. There should not be a question about whether we get to the point of debating a bill or whether we get to vote on amendments because at each of those points, everyone would obtain or retain the final power to oppose or trigger a supermajority on the final vote.

Then, in regard to the ability to proceed to trigger a supermajority on the final vote, put the responsibility squarely on the minority. It should not be the majority's responsibility to get a supermajority. At least those who are objecting should have to maintain a large number of Senators continuously on this floor day and night. If they believe so much that it is so wrong to proceed to a final vote, they should have the courage and dedication to be here in a substantial number day and night to make their point to the American people.

Let the American people respond to that demonstration of saying: Yes, we are with you or, no, we are not, and let that final vote happen. We have an issue about participation of the minority, and this is an extremely important point. I have heard many of my colleagues across the aisle say: We are not guaranteed the opportunity to have amendments. Well, that is a fair point. What if we were to have in this body a fallback rule so that if the majority leader and the minority leader could not reach agreement on the number of amendments and the content of those amendments to be considered, that there would be a fallback position that both parties would get 5 amendments, or both parties would get 10 amendments, so that we could proceed back and forth—a Republican amendment, a Democratic amendment, a Republican amendment, a Democratic amendment, a debate for an hour and a vote, debate for another hour and another vote, therefore, having to respond and take positions on the issues of the day rather than seeing this Chamber, without action, paralyzed.

These are the types of ideas that we need to wrestle with. We who are privileged to be here as delegates from our States have a responsibility to our citizens not just in our State but all the citizens of this Nation to make this Chamber the deliberative body that was envisioned by the Framers of our Constitution.

That is why next January, when we come in to start the next session, the 112th Congress, we need to have a major debate over our rules. We need to recognize that under the Constitution it only takes 51 Members of this body to adopt new rules. But in that context we have to do honor to the ability of the minority party, whichever party that is, to fully participate in the process.

This situation in which the House passes 300 bills that never see the light

of day, never see consideration in the Senate because we cannot get anything done on the floor of the Senate, must end. We have a responsibility to restore this body to being the greatest deliberative body on the planet.

I yield the floor, and I subject the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

Mr. BROWN of Massachusetts. Mr. President, I am here to talk just briefly about an issue to which I think I have actually found the solution, the one thing that I think we can all agree on, and maybe either before we leave or during the lameduck we can work together on something I think is troubling for everybody of both parties.

I rise to speak today about an extremely important issue that has bothered me as somebody who continues to serve in the military, and others who have any affiliation with the military or care deeply as to how our military servicemembers are treated after they give the ultimate sacrifice; that is regarding the severe mismanagement of the Arlington National Cemetery, which has resulted in the mishandling of remains of many of America's fallen heroes who have served our country and given their lives to keep our Nation safe and our citizens free.

I want to first take a moment to recognize the work of Senator MCCASKILL, the chairwoman of the Senate Homeland Security and Governmental Affairs Subcommittee on contracting oversight on this issue. She and I have held a hearing on this matter. I have to tell you, it was one of the more frustrating hearings I have ever participated in, to listen to some of the responses, the cavalier answers and lack of dignity paid to the reason we are all here. Then to learn that through investigation, the causes of the absurd mismanagement and oversight lapses at the cemetery. During that July 29, 2010, hearing, we took the first step of getting to the bottom of what was going on and working to identify real solutions that will make sure this never happens again.

I am pleased to be on the Senate floor today to announce the introduction of legislation, Mr. President, I hope you will jump on and cosponsor to address these issues and to remedy the problems at Arlington National Cemetery, which I am proud to sponsor with Senator MCCASKILL.

I am sure I do not have to remind everybody listening and watching and anyone who serves here after all the reports that continue to be in the news about Arlington National Cemetery

that has suffered from severe dysfunctional mismanagement and lack of established policies and procedures.

I was shocked. I remember during the hearing that they actually still keep all of the information on little cue cards, on little index cards. I mean, I have something that is a piece of modern technology that we can keep everything on in an instant, the way that we communicate around the world in an instant. My kids are using it; my grandkids are using it. Yet here we are, in one of the most historic cemeteries in our country, honoring the people who have given their lives through service, and we are on index cards. Not only that, we are burying them in the wrong grave.

Some graves do not even have bodies in them. I mean, come on. Give me a break. This bill establishes strict and recurring congressional reporting requirements for the Secretary of the Army to provide progress on correcting the management, operations, burial discrepancies, and contracting issues at the Arlington National Cemetery. The act also requires the Comptroller General to report on the management and contracts of Arlington National Cemetery and the feasibility and advisability of transferring Arlington National Cemetery to the Veterans' Administration.

The enactment of this act will also provide the appropriate congressional oversight to make certain that those responsible for managing the cemetery are being held accountable and meeting the highest standards when it comes to ensuring the proper burial of America's fallen men and women.

We absolutely cannot let this happen again at Arlington National Cemetery or any other cemetery. As I said earlier, as a 30-year member of the Army National Guard, I have tremendous respect for the men and women serving in our Armed Forces. I know you do, too, and every other person in this Chamber does who has made the ultimate sacrifice, as well as the families who provide the support to allow them to do their jobs.

These systematic problems at the cemetery have tarnished the sacred trust and are extremely troubling. Everyone entrusted with the solemn obligation has to ensure that the heroes buried at Arlington National Cemetery receive the utmost dignity and respect this country can offer.

Our legislation will help restore that so servicemembers' families will never, ever again have to endure such devastating emotional turmoil. I can't even imagine what it would be like to say: I am going to visit my loved one, and walk in the cemetery and learn the place you have been going for years, your loved one isn't even there or is maybe over there. The cavalier attitude of the people controlling this operation makes me deeply troubled.

Our legislation will provide assurances to our military members and their families that corrective actions

are expeditiously implemented and that management of the cemetery will be fixed and fixed soon.

I am hopeful my Senate colleagues will join me and Senator MCCASKILL in supporting this very important piece of legislation. I hope this is one piece of legislation we can all agree on and get done and send a powerful message to the families and the service men and women who are serving that we are not going to let this happen any longer.

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

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

#### SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, today I wish to describe my disappointment at the vote yesterday, a vote on whether we were going to shut down the drain in this tub of ours down which we are draining American jobs. We are trying to create jobs and put new jobs into the economy. Now what we have discovered is that the drain is wide open. Even as we talk about this, we have American jobs going overseas in search of cheap labor. We actually give a tax break in our IRS Code for allowing companies to shut their American plant, get rid of their American workers, and move jobs overseas. We tried very hard to change that. I have tried that in the past on four occasions. Yesterday was the fifth vote to say, at least let's stand up for American jobs. Let's not give a tax break to move American jobs outside of the country, especially at a time when millions of Americans are out of work. Let's not do that.

The proposal was to shut down that unbelievable tax break. The vote was, no, we can't do it. Apparently on the floor of the Senate there is plenty of support for Chinese jobs. I didn't notice anybody got up in the morning to come to this Chamber to support Chinese jobs. It seems to me the hard work here is to support American jobs.

I see the two leaders. When they wish to seek the floor, I will continue my discussion.

I can't tell you how disappointed I am. Every member of the minority voted against a bill that stands up for American jobs and shuts down the tax break for moving jobs overseas. We did get 53 votes. In other eras of the history of the Senate, that would be enough to pass legislation. Here it is not because everything needs 60 votes.

Let me yield the floor with the understanding that when the leaders are completed with their work, I know they have some important work trying to wrap up the business of the Senate, I want them to be able to do that, and then I will be recognized when their activity transpires.

I yield the floor.

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

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered yielded back and the motion to proceed to H.R. 3081 be agreed to; that the Senate then proceed to the consideration of H.R. 3081; that the bill be considered under the following limitations; that the only amendments in order be the following: Inouye substitute amendment, which is at the desk, and that once the amendment has been reported by number, it be considered read and not subject to division; Inouye title amendment; DeMint amendment regarding extending length of time on the continuing resolution; Thune amendment regarding reducing spending levels; that this amendment not be subject to a division; that general debate on the bill be limited to 2 hours equally divided and controlled between Senators INOUE and COCHRAN or their designees; that debate on each amendment be limited to 30 minutes, equally divided and controlled in the usual form; that upon the use or yielding back of all the time, the Senate proceed to vote with respect to the amendments to the substitute in the order in which they were offered; that each of the amendments to the substitute amendment be subject to an affirmative 60-vote threshold and that if they achieve that threshold, then they be agreed to and a motion to reconsider be laid on the table; that if they do not achieve that threshold, then they be withdrawn; that upon disposition of the amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the title amendment which is at the desk be considered and agreed to; further that no Budget Act points of order be in order to the substitute or the bill. Further, that if there are any sequenced votes, then there be 2 minutes equally divided and controlled in the usual form prior to each vote and that after the first vote, the remaining votes be limited to 10 minutes each.

I also want everyone to understand it is my understanding Senator LEMIEUX wants to offer an amendment by consent to this agreement I just read.

Mr. MCCONNELL. Mr. President, it is my understanding he will offer that later. We can proceed then.

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

The Senator from North Dakota.

#### SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, this unanimous consent agreement means we are now on a timeline to finish passing a continuing resolution very soon. I appreciate the work everyone has done. I do want to finish what I was saying.

It was a profound disappointment to me that after all of this time, going back 9 years and five votes, that we

were not able to get sufficient votes in the Chamber, 60 votes to shut down a tax provision that rewards people who actually move their jobs overseas from this country. I won't go through the presentations I made previously, but it is quite clear that we need, on behalf of the American people, to say: Our job is to stand up for jobs in this country. Our work is to help people get back to work here and to support businesses which produce in this country, which decide to rent the building and hire the employees and produce here. That is what we ought to stand for. Yet those who produce here and stay here are at a disadvantage, because there is a tax break given to those companies that move overseas and hire foreign workers and then sell back into this country. That was the debate yesterday and the vote. Regrettably, not one Member of the minority voted with us. That is a profound disappointment. We will all get over that. But the people who are unemployed will not, if these jobs keep moving overseas. That is the point.

#### NEW YORK PHILHARMONIC IN CUBA

I did want to come for another reason. I will do this quickly. A long while ago I was on the floor talking about something that I think should happen, and it needs the approval of this government to make it happen, the approval of a license to make it happen. That is for the New York Philharmonic to be able to perform in Havana, Cuba. It would be a wonderful thing. They had to cancel a previous appearance because they couldn't get a license from their government to allow them to do it.

Let me describe with a couple charts what brings me to this point and the reason I want to talk about it for a moment. This is in the middle of the Cold War with Russia. This is Leonard Bernstein and the New York Philharmonic shown here performing in Moscow in 1959. It is the oldest symphony orchestra in America, since 1842, one of the most renowned cultural ambassadors for this country. It has performed all around the world in 59 countries on 5 continents. It performed many times in Communist countries with the full blessing of the U.S. Government. At the height of the Cold War the orchestra was enthusiastically received in Moscow. The audience applauded for 30 minutes following their performance. Conductor Bernstein took the New York Philharmonic to Moscow. Think of it.

In addition to performing in Moscow, the New York Philharmonic has performed elsewhere. They have performed in North Korea. I have seen the DVD of that performance. It was quite extraordinary, February of 2008 in the capital of North Korea, the first ever concert by a U.S. orchestra within the boundaries of that secretive state. We know that there is a lot wrong with North Korea, but the conductor and the president of the Philharmonic told me and a group of Senators that the State Department encouraged the visit of

this orchestra, assisted with arrangements. The concert in Pyongyang was broadcast live on State radio and television. They played music by George Gershwin in North Korea's capital, even played the Star-Spangled Banner. I saw the video. The audience continued to applaud long after the orchestra had completed its music and left the stage.

This is a photograph of Hanoi, Vietnam in 2009.

The New York Philharmonic orchestra performed there, in Hanoi, Vietnam. The demand for tickets was so great they simulcast the concert live out on the streets of Hanoi.

The only country in the world in which the Philharmonic, at this point, is not able to perform in is Cuba. They had to cancel a previous visit to Cuba in October 2009. It was planned. But it was cancelled because they could not get a license from our government to travel to Cuba.

The U.S. government allows anyone, including an orchestra, to travel to North Korea, to Iran, to any other country in the world; but you have to have a license to travel to Cuba. Why is that the case? Because the Castro brothers have stuck their fingers in America's eye for a long time. We have an embargo against the country of Cuba, and we decided we were going to take care of the Castro brothers in Cuba by punishing the American people and restricting their right to travel to Cuba, unbelievably, in my judgment. We say to the American people: We are going to fix you. We will restrict the rights of the American people to travel to Cuba. So they have.

Senator ENZI and I have a bill with a large number of cosponsors in the Senate that would lift that travel restriction.

The reason I brought this issue to the floor of the Senate today is, I feel it is time to get a positive answer from this government—the Treasury Department and the State Department—to give a license to the New York Philharmonic to make this trip and perform in Havana, Cuba. They should not have to keep cancelling their plans because of U.S. government restrictions.

Some say: Well, what is the difference? What matter does it make if they are not able to travel? Do you know what? If you watch the DVD of the New York Philharmonic performing in North Korea in 2008, and then take a look at the clips and the pictures of them in Moscow in 1959, and then ask yourself whether it makes a difference for us to be able to send, in a cultural exchange, this wonderful, unbelievably world-class orchestra to perform in these countries. I think it makes a difference.

We are in a circumstance at the moment where if you do not have a license to travel to Cuba, violators, U.S. citizens, can be fined up to \$50,000 by their government. It does not make any sense to me. That needs to change. Criminal penalties could be \$250,000 and

10 years in prison for violating the travel ban. We need to change all that.

In the meantime, I believe this government needs to provide a license, and they can do it under existing circumstances without changing the policy at all. They need to provide that license to allow the New York Philharmonic to be able to perform in Havana, Cuba. I am talking to the Treasury Secretary and the Secretary of State and asking for their cooperation. This is not something that is difficult. This can be allowed under existing rules. Members of the New York Philharmonic, and those who work with them and those who sponsor them, who would participate fully in the youth programs in Havana, Cuba, can be, in my judgment, approved with a license from the Treasury Department. I hope Secretary Geithner understands that and will take appropriate action. I know the Secretary of State wishes to see this happen. I believe the Treasury Secretary would as well. I hope within days they will make it happen.

I intend to work next week with all of those principals to see if at last, at long last, we might be able to resolve this issue. This makes no sense to me, to decide that the way we are going to conduct diplomacy is to prevent our Philharmonic Orchestra from playing in Havana, Cuba, given the fact they have played in the capital of North Korea, in Russia, in Vietnam, and more.

Mr. President, I was going to talk a little about energy and my profound disappointment that we are going to end this session without having done something in energy, and how some of us are trying very hard between now and the lameduck session to at least get what is called a renewable electricity standard or at least perhaps get that plus the Electric Vehicle Deployment Act moving so we can advance our country's energy interests. I will find another time to talk about that issue.

I do want to finally say, in addition, before this Congress adjourns sine die at the end of the year, there must—there must—be a solution to two things. One is the Cobell settlement, because American Indians deserve that settlement. It has been negotiated, is done, is ready. This is an abuse of 120 and 150 years. It must be corrected, and that settlement needs to be done. No. 2, what is called the Carcieri fix needs to be resolved.

My colleague, the chairman of the Appropriations Committee, well understands this. Every Indian tribe that was recognized after 1934 has every parcel of land they took into trust since that time now in legal question. The Congress cannot possibly leave this session without addressing that issue. The issue arises from a court decision that in my judgment was wrong, but it places in jeopardy a wide range of facilities on Indian reservations with respect to the status of their property ownership and their lease. I hope and I

know Senator INOUE shares my feelings that we must, before the end of this year, address both of these issues.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, I wish the RECORD to show that I concur fully with my colleague and that I will do my absolute best to see that his views are carried out.

#### DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to and the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, today is September 29, which means that fiscal year 2010 will come to an end tomorrow at midnight. We should all keep that in mind because in order to avoid a government shutdown, the Senate must act now to send this essential legislation to the House of Representatives.

I do not believe any of my colleagues wish the Government of the United States to be shut down on Friday, so I am hopeful we can avoid unnecessary amendments and work in a bipartisan fashion to pass this CR and send it to the House.

This is a clean continuing resolution that includes only those exceptions that are critical to allow the government to carry out its responsibilities. I would note that according to the CBO scoring of this bill, this resolution will fund the government through December 3, 2010, at a rate that is approximately \$8.2 billion below fiscal year 2010 enacted levels.

Vice Chairman COCHRAN and I have done our best to ensure that this CR includes only the bare minimum of what is necessary to continue government operations until Members on both sides of the aisle are able to work out their differences and complete action on this year's appropriations bills.

In addition, the CR extends the temporary assistance for the Needy Families block grant program, which provides necessities such as food and clothing for those hardest hit by the struggling economy. This resolution also extends the current GSE loan limits, to prevent a disruption of the home mortgage market. Finally, this measure will fund current military operations for the next 2 months, ensuring that our soldiers, sailors, airmen, and marines will have what they need to carry out their missions.

While I know there are many additional matters which the administration and other Members of the Senate wish to have included, we have been

unable to reach a bipartisan agreement to do so. But I can assure my colleagues that everything essential to continue government services has been included.

Time is short, and we have before us a clean CR that has the bare minimum of exceptions necessary to avoid disruptions to government services that is approximately \$8.2 billion below fiscal year 2010 levels, and that has the approval of both the majority and minority leaders.

I urge my colleagues to vote to support this CR and to send it to the House as quickly as possible.

I reserve the remainder of my time, Mr. 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. INOUE. 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. INOUE. Mr. President, I ask unanimous consent that the time expended during the quorum call be equally divided on both sides.

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

Mr. INOUE. Mr. 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. CORKER. 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. CORKER. Mr. President, I want to speak for a few minutes. My understanding is that Senator THUNE is coming to the floor in a moment to offer an amendment to the continuing resolution that would reduce spending in the continuing resolution by 5 percent on discretionary items that are non-defense oriented.

I want to say that I just came from a meeting with Chairman Bernanke talking about our debt situation. I know we have a Deficit Reduction Commission right now that is working on that and will have a report due on December 1. But I think everyone in this body understands it is a huge issue for our country and that right now the markets have allowed us to have lower interest rates because we are considered to be a safe haven. But the fact is, at some point in time we all understand this is going to disconnect and, in fact, we will pay higher interest rates because of our lack of ability to control our spending.

I think a great first step for us to be able to walk into—hopefully, something constructed by the Deficit Reduction Commission and, if not, by our own actions this next year, where we know the No. 1 issue that threatens our economic security in this country—and