

for the neighborhood. It keeps people in the homes. The weeds don't start growing. The values of the rest of the homes in the neighborhood don't plummet because the house is now vacant and perhaps ransacked. There is kind of a spiral downward when people are forced out.

So we need a program that would come in and make the mortgage as affordable as the homeowner can work out. Yet we find, in many cases, the banks don't want to do that or there is not a governmental incentive for the banks or the homeowner to do that. We have missed out on that.

Several years ago, when this crisis started, I implored the Secretary of the Treasury to look at exactly what was happening, and they came up with a program whereby they were going to give some cushion of 5 percent of a mortgage that was underwater.

In the Senator's State and my State, if a home is just 5 percent underwater, you are rather fortunate because a home today 20, 25, and 30 percent underneath the value of the first mortgage is not uncommon. That is the problem we have not addressed.

There have been some other good things. There are now programs coming out on small business, in trying to get money into small business. Even though some of the banks did not want to take the Federal money, even though it went to their capital, we are starting to see some signs of life there. We are starting to see some signs of life, I am told by the Florida Association of Realtors, that sales are occurring all over the State, not just certain parts of the State, such as Miami. There is a huge influx of Brazilian investors coming in and absorbing the condo market. But it is not just Miami, it is the entire State that sales are occurring.

They are, of course, sales at rock-bottom prices, but they are beginning to occur. We need to accelerate and give assistance to this rejuvenation of the real estate market. Until the housing market recovers, we are not going to have an economic recovery out of this recession.

Mr. MCCAIN. I thank the Senator.

LAURA POLLAN, DAMAS DE BLANCO

Mr. NELSON of Florida. Mr. President, I came to the Senate floor because over the weekend a very noble lady in Cuba passed away of a heart attack, and I want to tell you about her.

Her name is Laura Pollan. She founded the group Ladies in White, Damas de Blanco. She did so to protest the brutal Castro regime in Cuba, and her protest was specifically the jailing of 75 people in a crackdown on dissidents in 2003, one of which was her husband. Many of those who were imprisoned were married to the ones who became known as the Ladies in White, including Senora Pollan's own husband, Hector Maseda.

Since 2003, Laura had gathered the group on most weekends in central Ha-

vana after church. Everybody would wear white and they would hold gladiolas, a flower that is typical in warm climates. They would stage their marches, and they would demand the release of their loved ones, since 2003 when their husbands were jailed.

Damas de Blanco defied this brutal dictatorship, the Castro regime. For its human rights work, the European Parliament awarded the group the 2005 Sakharov Prize for Freedom of Thought. Just this year, the U.S. Government gave Damas de Blanco the Human Rights Defender Award for "exceptional valor in protecting human rights in the face of government repression."

Damas de Blanco succeeded earlier this year—succeeded. In the face of this brutal dictatorship, it succeeded when the last of the 75 imprisoned were finally released, including Laura's husband. She and her husband only had 8 months together before she died of a heart attack last week.

Despite this group's achievement, Laura Pollan lamented earlier this year that:

As long as the government is around, there will be prisoners . . . while they've let some go, they've put others in jail. It is a never-ending story.

Mr. President, it is a never-ending story, and isn't it typical; here is a regime that still holds an American citizen there now for 2 years, Alan Gross. Alan Gross is in ill health. His daughter here in the States has cancer. Is this regime showing any kind of compassion? Of course not. Did it show any kind of compassion to those Ladies in White and their husbands when they swept in, in the middle of the night, scooped them up and put them in prison because they dared to speak out their free thoughts?

It reminds us of another regime, one on the other side of the globe, Iran, which still imprisons an American, Bob Levinson, a former FBI agent. They still deny they have him, and yet there is plenty of evidence they do have him. And yet we wait. In Bob Levinson's case, a wife and seven children wait, and have waited for years and years.

So we say, like Damas de Blanco—just like they said they will continue to challenge the regime until the day all the Cuban people are able to enjoy the blessings of freedom—that is all they want. It is so sad that because of the ties between America and Cuba, with so many families having been split, with it being only 90 miles away from Key West, there is a brutal dictatorial regime that still imprisons its people. But there is one thing they can't imprison: they can't imprison their minds and their yearning for freedom.

Mr. President, I yield the floor and 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. THUNE. Mr. President, I ask unanimous consent that the order for

the quorum call be rescinded and that I be allowed to speak in morning business for as much time as I may consume.

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

THE CLASS ACT

Mr. THUNE. Mr. President, late last week the American taxpayer got some very good news, and that was that the administration announced they were not going to move forward with implementing the CLASS Act. It was a stunning end for something many of us have believed is a fiscal timebomb for our country. They acknowledged it is simply not workable. In fact, HHS Secretary Katherine Sebelius said, "Despite our best analytical efforts, I do not see a viable path forward for CLASS implementation at this time."

The Washington Post went on to say that "the Obama administration cut a major planned benefit from the 2010 law on Friday, announcing that a program to offer Americans insurance for long-term care was simply unworkable."

The Hill reported that "HHS officials acknowledged that CLASS fell apart simply because it was too flawed to salvage."

From Politico: "... a stunning end to a financially troubled long-term care insurance program and a major setback to the health care reform law."

Even the New York Times editorialized that "it was too costly and would not work."

This is good news for the American taxpayer. This is something many of us argued was the conclusion that inevitably people would come to, when this was discussed and debated as part of the health care reform bill over a year ago. In fact, on December 4, 2009, I offered an amendment to repeal the CLASS Act.

It was then offered as one of the pay-fors for the President's health care reform bill. At that time, it was said it would generate somewhere on the order of \$70 billion in additional revenue that could be used to pay for the health care bill. More recent estimates of that number are somewhere in the order of \$86 billion that would be generated in the first 10 years. One of the reasons for that was, of course, people would begin to pay premiums even though they would not start demanding benefits until later. Even at that time, there was tremendous concern that this would run up deficits, blow up deficits in the outyears when you got outside of that 10-year window; that after people were through paying their premiums and started demanding benefits, this would get into sort of a downward death spiral and would never pay for itself. That was a conclusion many people were drawing already, at the time, that there was such a rush to pass health care reform through here and to come up with ways to pay for it, that

this ill-fated program was included. It was interesting because that amendment I offered back in December 2009 actually had pretty broad bipartisan support. At that time, every Republican voted for the amendment and 12 Democrats as well. We had a majority of Senators—51 Senators said in December 2009 that we ought to repeal the CLASS Act from the underlying health care bill simply because it was not workable and it was going to run up deficits in the outyears and everybody knew it. Instead, we proceeded and plowed forward, and the health care bill was going to be passed irrespective of concerns that had been raised by many of us but, more importantly, also by people who really study these things, people in the Congressional Budget Office, the Actuary at the Health and Human Services Department. There were a lot of warnings going forward about this program and what a bad idea it really was.

It is time that we be honest with the American people about this particular budget gimmick. I can't help but think that if we had come to this conclusion a long time ago, we would have saved some money when looking at whether this could be implemented, whether it could actually work. The inevitable conclusion is that it would not.

I want to read for my colleagues something that was stated by the Actuary at the Health and Human Services Department way back in 2009. In fact, this goes back to July 2009, well before the final vote occurred on the health care reform bill, particularly the vote on the amendment that would have stripped this provision from the health care reform bill. The Actuary at the Health and Human Services Department, Mr. Richard Foster, said:

I'm sorry to report that I remain very doubtful that this proposal is sustainable at the specified premium and benefit amounts . . . 36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

That was from the Actuary at the Health and Human Services Department.

Later that year, in the August-September timeframe, he said:

As you know, I continue to be convinced that the CLASS proposal is not actuarially sound.

I believe these are statements by somebody who had looked closely at this program and had come to the right conclusion way back then—that it flat was not going to work. Yet, because of the mad rush to pass health care reform and to argue to the American people that somehow it was going to be paid for, this particular program was included. It clearly was a colossal mistake. Fortunately, it looks as though the administration has concluded the same. Hopefully we can get this killed once and for all so that it doesn't become a drain on our children and grandchildren, which it, of course, would when the bills started to pile up

in those outyears and the deficits started to mount.

If you think about the fact that every American today owns about \$48,000 of the Federal debt—I mean, for most Americans the Federal debt is like having a second mortgage or, for that matter, a first mortgage on their homes. They have an enormous amount of debt for which they are responsible. Instead of looking at ways to reduce that debt, reduce the size of government, and get spending under control, Washington, DC, continues to look for ways to expand government and to add to the amount of debt we are passing on to our children and grandchildren.

Last week, when the announcement was made by the administration that this program is simply not workable and they are not going to implement it, it was a huge victory for the American taxpayer and a huge victory for our children and grandchildren—future generations of Americans who would end up having to pay for this. If you think about the fact that we already have somewhere along the lines of \$60 trillion in unfunded liabilities in other entitlement programs, piling on yet another one seems to be digging the hole ever deeper than it already is. What you do not want to do when you are in a deep hole is keep digging, and this plan, the CLASS plan, would have kept digging that hole even deeper for our children and grandchildren.

Interestingly enough, this was the analysis that was done by Health and Human Services when they came to the conclusion that it should not be implemented. Now, as you can see, this is a volume that is several inches thick, so obviously they looked very carefully at this. Unfortunately, they came to that conclusion 19 months later than they should have. But this is what they came up with in terms of concluding that the CLASS program would not work. So, having done that analysis, one would think the next logical conclusion would be, let's repeal this piece of legislation. Let's get this off the books. Yet the administration is still talking about and still somehow wedded to the idea that somehow this might work, so they are saying they don't want to see it repealed.

Well, Senator MCCAIN, my colleague from Arizona, was down here earlier today talking about this program and this report, and he is a cosponsor, as I am, of a piece of legislation we put forward to repeal the CLASS Act. We will work as quickly as we can to put together legislation, now that we have this report from HHS, that will actually move forward with the intention to repeal this. But it strikes me that this is something most of my colleagues, given what we know now, should be willing to support, and especially given the fact that there were 12 Democrats who voted with the Republicans back in December 2009, to constitute a majority here in the Senate. There were 51 Senators who voted to repeal the CLASS Act from the health

care bill back in December 2009 before all of this analysis came out. So now that we have this analysis in front of us, it seems to me that the logical thing we should do is to move forward with repealing this piece of legislation.

It is interesting; when we were debating in the Senate back in December 2009, many of my colleagues in the Senate said things about the CLASS Act that were very supportive; that they actually, I guess, believed this was going to work. I will not mention names to protect the guilty, but they called it a breakthrough. Some referred to it as a "win-win." Others referred to it as "critical." One of my colleagues said: So we get a lot of bangs for the buck, as one might say, with the CLASS Act that we have in this bill. Another one of my colleagues said: One of the critical pieces of the bill is the Community Living Assistance Services and Supports Act, or the CLASS Act. Another one said: The CLASS plan is a win-win. One went so far as to suggest that certain colleagues on our side of the aisle who argued that the CLASS plan would lead to a financially unstable entitlement program that would rapidly increase the deficit—he went on to say that was simply not accurate.

There are many of my colleagues on the other side of the aisle who at the time believed wrongly this was going to work. I hope, now that we have this voluminous copy of the analysis done by the Department of Health and Human Services, they will join with us in repealing this really bad piece of legislation and get it off the books once and for all. We have 32 cosponsors on a bill that would do that. I hope that we, at the very first opportunity—and perhaps that will be even sometime this week—in the legislation we are considering now, could have an amendment that would repeal the CLASS Act so we can put this issue to bed once and for all for the American people.

It seems to me, with the kinds of year-over-year deficits we are running—\$1.3 trillion, \$1.4 trillion deficits—the very least we can do is take something we know is not going to work and focus on those things that actually will work. We ought to be talking right now about that which will reduce government spending, make the Federal Government smaller, expand the private economy, and look at what we can do to create jobs.

I am not suggesting for a minute that the issue of long-term care is not important; it is. There are right ways and wrong ways to deal with that. The CLASS Act represented the very worst way to deal with that; that is, to come up with a program that has been described as a downward death spiral and actually add to the debt we are going to pass on to our children and grandchildren, knowing full well this program would not pay for itself. It is a farce. It was never going to reduce the deficit. We now have that demonstrated in this analysis that has

been done. So I hope my colleagues here in the Senate on both sides of the aisle will come together and recognize that and repeal once and for all this very bad piece of legislation.

It was good news when the administration recognized they couldn't implement it, it was not workable. It would be better news for the American taxpayers and for future generations of Americans if the Congress would repeal this legislation and do it soon.

I yield the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Tennessee, I be recognized in morning business. What I am going to do is try to clear up some of the misunderstanding about the troops who have gone into Uganda and other areas on the LRA, Lord's Resistance Army.

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

The Senator from Tennessee.

EDUCATION

Mr. ALEXANDER. Mr. President, last month several Republican Senators came to the floor and offered legislation to fix No Child Left Behind, the legislation that was passed nearly 10 years ago to try to address our Nation's 100,000 public schools. In that legislation, we sought to fix problems with the legislation, not just to create another big reauthorization bill. The ideas we had were not all our ideas. They included many ideas from President Obama and his excellent Education Secretary, Secretary Duncan, as well as Democratic and Republican Members of Congress. They included having more realistic goals for No Child Left Behind. The original goal set in 2001 would, according to Secretary Duncan, create an unworkable situation where 80,000 of the 100,000 schools might be identified as failing in the next few years.

A second goal of our legislation was to move decisions about deciding whether schools and teachers were succeeding or failing out of Washington, DC, and back to State and local governments. A lot has happened in the last 10 years in the States—really the last 20 or 25 but especially in the last 10 years. We have better reporting requirements from No Child Left Behind. We have new State common standards, higher academic standards. We have new State tests that have been created—not here but by the States to do that. And now States are working together to create accountability systems. So there is a much better chance that States and local school districts can create an environment where students learn what they need to know and be able to do.

Our legislation encourages States to create what I think is the holy grail of public education; that is, principal-teacher evaluation related to student achievement. I know from experience

that is hard to do. In 1983 and 1984, when I was Governor of Tennessee, we became the first State to pay teachers more for teaching well. It took us a year and a half and a huge battle with the National Education Association in order to put it in place, but 10,000 teachers became master teachers. It was a good first step. Tennessee is already doing it again.

Here is my local newspaper: Evaluation of teachers contentious. There is nothing more contentious, and the last thing we need is Washington sticking its nose into that, other than to create an environment where State and local governments can use Federal money to pay for their own State and local programs. We propose consolidating programs, making it easier for school districts to transfer Federal money and expand choices and expand charter schools.

Now, today, the chairman and ranking member of the Senate education committee—the HELP Committee, as we call it—have introduced another draft piece of legislation to fix No Child Left Behind. I intend to vote to move this bill out of committee, although it is not yet the kind of legislation that I would be willing to vote to send to the President, but it is a good place to start.

There is a good deal of agreement in terms of what we want to do in our legislation from a few weeks ago and the Harkin-Enzi bill. Among the agreements is moving decisions about whether schools are succeeding or failing out of Washington. Another is to encourage principal-teacher evaluation without mandating, defining, and regulating it from Washington, DC. Another good provision is to encourage but not define and mandate and regulate using measures of growth of students—not just whether they achieved something but whether they are making rapid progress toward a goal. The idea is to make that in terms of whether schools and students are succeeding.

There are many provisions in the Harkin-Enzi bill that have been suggested by both Democrats and Republicans, but there are a number of provisions—not in our legislation—that I don't support, and I am going to seek to amend them. I have indicated to Senators that I intend to offer seven amendments which, in my view, would take out of the legislation provisions that tend to create a national school board. One is the so-called achievement gap. One is the so-called highly qualified teachers provision. These are all provisions that substitute the judgment of people in Washington for that of mayors, local school boards, governors, and legislators. So I don't think we need a national school board, and neither do most Americans.

Some will say: Well, then, why would you support a bill that you don't entirely agree with? The reason is we have a process in Congress. This isn't like the health care bill a few years ago when we had 40 Republican Senators

and Speaker PELOSI was in charge of the House of Representatives. We now have 47 Republican Senators, we have a Republican House of Representatives, and we need to get started fixing this problem. We need to do something a little different around here. Instead of just beating our chests, we need to find a way to put our heads together, head toward a reasonable result, come up with a solution, and offer it to the President and to the American people.

There is no reason in the world why we can't, with the amount of agreement we already have, send to the President by Christmas legislation fixing No Child Left Behind. We should do it because if we don't, Congress's inaction will mean we will transform the U.S. Education Secretary into a waiver-granting czar for 80,000 schools in this country which, according to this law, will be identified as failing.

Well, if we were to have an education czar, or if we were to have a chairman of a national education school board, Secretary Arne Duncan would be a good one. But I don't think we want one in the United States of America. So I think we should act before Christmas in order to avoid creating a waiver education czar, and we should act before Christmas in a way that does not create a national school board.

There is one other suggestion I would make to the authors of this bill. In our earlier meetings with the President, Congressman GEORGE MILLER of California, who was a key leader in developing No Child Left Behind, said this bill to fix No Child Left Behind ought to be a lean bill. I agree with Congressman MILLER. The legislation Republicans introduced a few weeks ago totaled 221 pages in its five bills. The comparable section of the Harkin-Enzi draft is 517 pages. I urge us to follow Congressman MILLER's advice in the final result and be much more succinct than that.

So despite these concerns, I will vote on Wednesday or Thursday, whenever we finish, in favor of bringing this base bill out of the HELP Committee and on to the Senate floor where we can have full amendments. I am going to do my best to improve it in committee and on the Senate floor to make it more like the legislation we introduced a month ago. I am going to continue to do that in the conference we have with the House of Representatives. I think it is time we recognize the American people expect us to step up to major issues, to put our best ideas together, and come up with a result. We are part way there. There is a good place to start.

I thank Senator HARKIN and Senator ENZI for the work they have done, as well as Representative KLINE and Representative MILLER, and I thank the President and Secretary Duncan for their attitude. I look forward to working with them to come to a conclusion.

One last thing: We talk a lot about jobs around here. Every American knows better schools mean better jobs, and they all know schools are a lot like