

UNEMPLOYMENT COMPENSATION  
EXTENSION ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3548, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

Pending:

Reid (for Baucus-Reid) amendment No. 2712, in the nature of a substitute.

Reid amendment No. 2713 (to amendment No. 2712), to change the enactment date.

Reid amendment No. 2714 (to amendment No. 2713), of a perfecting nature.

Reid amendment No. 2715 (to the language proposed to be stricken by amendment No. 2712), to change the enactment date.

Reid amendment No. 2716 (to amendment No. 2715), of a perfecting nature.

Mr. CARDIN. Madam President, I respect the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Madam President, shortly, we are going to be voting on the unemployment compensation bill. I have already taken to the floor to urge my colleagues to pass the underlying bill, which provides 14 weeks of additional benefits to those who will exhaust their unemployment compensation. This is an insurance program. The funds are there, assessed through the compensation system of our country in order that we have money available for those who have lost their jobs during a recession, and that is exactly what has happened.

These are extraordinary times. I know the Presiding Officer will agree with me that we have been to our States, and we know there are people who are unable to find jobs. This past week, I was at the employment office in Baltimore and saw people coming into that office in large numbers and asking for jobs. I talked to individuals, saw the faces of people who want to work but who can't find jobs. So it is critically important for the system to work, and that means we need to provide the safety net of unemployment compensation during these times, and we need to extend it to all States.

The bill before us will provide those additional 14 weeks in every State. In my own State of Maryland, we have many counties that have unemployment rates far in excess of the 8½ percent, which was the trigger number used in the House bill. So it is appropriate we pass this bill for the people who will benefit by it, and it is also appropriate we pass it to help our economy. We know the dollars that are provided through unemployment com-

ensation work their way back into our economy, very quickly helping our economy.

I wish to talk also about the leader's amendment that will extend to first-time home buyers a tax credit that would expire at the end of this month. I had introduced legislation, along with Senator ISAKSON, to extend the credit for an additional 6 months, and I am pleased that provision is included in the leader's amendment that also expands the credit for an additional 6 months.

According to the IRS, 1.4 million people used the credit as of September 2009. As many as 40 percent of all home buyers this year will qualify for the credit. It has clearly worked according to its intended purpose; that is, to get potential home buyers off the sidelines and into the market and buying a home. It is estimated that the credit is directly responsible for 200,000 to 400,000 purchases this year. According to the National Association of Realtors, those additional sales have pumped approximately \$22 billion into the economy. It is getting our economy back on line.

The credit has succeeded in reducing the glut of homes for sale, but it needs to be extended. We still have too much inventory that is out there, and it is affecting new home starts, which are critically important for our economy. We know the real estate market was the spark that put us into this recession. We know that. We know what happened to home values. We know what happened to people who were unable to sell their homes. We know what happened with foreclosures. We know we need a healthy real estate market to get us out of this recession.

We have seen some signs of improvement and stabilization in the market, but we are certainly not out of the woods yet. Inventories are still way too high. Dean Baker, codirector for the Center for Economic and Policy Research, notes that price declines could resume later this fall.

Quoting Mr. Baker:

The uptick in sales driven by the credit has led to a substantial increase in the number of homes offered for sale at just the time that the boost from the credit is dwindling. The inventory will also be a much larger drag in the slow-selling winter months.

We know winter is notoriously a slow season, but we have too much inventory that is out there. This would be the wrong time for Congress to allow this credit to expire.

Other economists, such as Mark Zandi of Moody's, and James Glassman of JPMorgan Chase, support extending the credit.

The substitute amendment, which I have cosponsored and which is similar to the bill I introduced—S. 1678—extends and expands the credit to April 30, 2010, for binding contracts and then allows 60 more days to close. I think that makes sense. The closing period sometimes hampers the use of the credit. For example, if someone was to

enter into a contract today, even though the credit is there, it is highly unlikely they could settle by the end of the month, taking advantage of the \$8,000 credit. It makes sense to say that as long as you have a binding contract by April, you have 2 months later to close in order to get the credit.

The amendment keeps the \$8,000 credit for the first-time home buyer and then provides a \$6,500 credit available to other home buyers who have lived in their current homes for at least 5 years. These are the step-up sales. These are people who currently own homes, who have lived in their home for 5 years, and are now trying to buy another home. You can't buy a house and try to flip it to take advantage of the \$6,500 credit. It is a smaller credit than the first-time home buyers', but it is still a significant credit and it is available for homes costing up to \$800,000.

I don't think there are many homes in the area that will qualify under the income limits, but it does allow those to qualify. The income limits have been lifted slightly from \$75,000 to \$125,000 for an individual and from \$150,000 to \$225,000 for joint filers.

So it takes care of where the market needs help, where there is too much inventory, and will allow the credit to, again, tell people: Look, the economy needs your help. This is a good time to buy. The government is going to be your partner with this \$8,000 credit for the first-time home buyer and a \$6,500 credit for the person who has lived in their house for 5 years.

There are a couple more points that I think need to be underscored. The credit is fully paid for. It will not add to the deficit. That is an important point, but I would also point out that this credit will help stimulate our economy, which will generate economic activity, which will help us on our budget deficit. It really does help our economy, and it is fully paid for, so it doesn't add to the deficit, and that is one of the points I mentioned when I first introduced this bill with Senator ISAKSON—we were going to look for a way to make sure it is paid for.

I thank the chairman of the Finance Committee, Senator BAUCUS, for coming forward with an amendment that is fully paid for, that is offset. I believe that is the way it should be.

The second point I want to bring up is it includes tough antifraud language and "math error" authority for the IRS to ensure that only those individuals and families who qualify for the credit take advantage of it. I know we are all concerned about reports we read in the paper about potential fraud on this credit. Any fraud is wrong, but we know if we set up a new credit there are those who will press the point more than they should. We have to make sure the antifraud provisions are in this bill so those entitled to this credit are those who take advantage of it and it is not used inappropriately. Language is included in this amendment to

make sure that, in fact, happens. It is a bill that is properly balanced.

I wish to make one other point. I heard the chairman of the Senate Finance Committee said this, and I agree completely. Senator ISAKSON and I talked about this. The credit will end. This is not an extension because we believe this is a credit that should be there indefinitely. We do not. This credit is to help bring real estate back to where it needs to be for our economy to recover. We give until April so that people can take advantage of this credit during this tough economic time, knowing full well that the winter is going to be a slow season, normally, for home sales and in the spring people are more likely to start again looking at home sales. We want people to take advantage of this now, recognizing that come April this credit will not be extended. This is the time to take advantage of this government credit that helps you in buying a home.

As I said earlier, the slump in housing led us into this recession. A rebound in the market will lead us out of this recession. Extending the credit is a prudent and fiscally responsible measure.

I am proud to be a cosponsor of the leader's amendment, and I hope we will shortly have an opportunity not only to pass this amendment but to pass the underlying bill that will extend unemployment compensation to literally, in my State, the tens of thousands of people who otherwise will lose their benefits by the end of this month and the 1.4 million Americans who will lose their unemployment compensation benefits by the end of this year if we do not act.

For all those reasons, I urge my colleagues to support the amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

#### HEALTH CARE REFORM

Mr. BARRASSO. Madam President, any day now the Senate will begin to debate a single bill affecting the lives, the wallets, and the health of all Americans. Three Senators from the other side of the aisle have been working behind closed doors, trying to stitch together yet another health reform bill—a bill that will restructure 17 percent of the American economy. It is unclear when the other 97 Senators will get to see the majority leader's bill.

As we wait for the opportunity to read the bill, to examine the bill, to see what is in it—and the American people are waiting as well—I am reminded of a book that I believe still has much to teach us, "The Federalist Papers," particularly Federalist 62 authored by James Madison. He says this:

The internal effects of a mutable policy are still more calamitous. It poisons the blessings of liberty. It will be of little avail to the people that the laws are made by men of their own choice—

Let's get that over again.

It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous—

You have seen this 1900-page House bill—

That they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man knows what the law is today, can guess what it will be tomorrow.

That is what we are looking at. The quote strikes a chord with everyone who hears it because it summarizes so very well what we are facing today in the Congress—in the Senate, in the House—as we are dealing with health care and health reform. The House health reform bill is nearly 2,000 pages long. The Finance Committee bill is over 1,500 pages. The HELP Committee bill is over 1,000 pages.

Some in Washington may believe that drafting a bill in secret and then rushing to enact it into law with little debate is the perfect way to avoid tough questions and public scrutiny. That plan has not gone as intended. The American people are much too smart. As the American people began to understand the details, they began to ask the tough questions. They know what the Democrats in Congress and the administration are trying to do. The American people are not buying it. They are not convinced that we should turn over the Nation's private health care system to Washington, to bureaucrats, and to the Federal Government.

Of course the American people want reasonable, commonsense health insurance reform. We need that. But the American people do not want a bill that limits their freedom and bankrupts the country. Fortunately, the American people see that the numbers simply do not add up. They know that if the reform bills we are debating become law, the health care costs are going to go up.

I go home to Wyoming every weekend. I was there yesterday. People continue to ask me: How will all of these health care bills affect me and affect my family? Inevitably, the question is followed by a statement. It says: Tell those people back in Washington that I want them to fix what is wrong with our health care system, but whatever they do, that should not make things worse for me and worse for my family. I can't afford to pay more for my family's health care.

I agree completely with the people of Wyoming. Health care costs today are rising three times faster than inflation. Especially during these economic times, rising health care costs stretch family budgets to the limit. It also makes it harder for employers to keep offering health benefits to their employees.

Now the Congressional Budget Office, the Joint Committee on Taxation, and the Health and Human Services Office of the Actuary are all telling us what the American people already know. They are telling us that if we pass the health reform bill that is coming before us, we are going to make things worse.

What exactly did all of these non-partisan organizations say? On September 22 of this year, the Congressional Budget Office sent a letter to the Finance Committee chairman, to Chairman BAUCUS. In the letter, the CBO said two important things. No. 1, premiums in the new insurance exchanges would tend to be higher than the average premiums in the current individual market. This was a bill that was supposed to lower costs. No. 2, people with low expected costs for health care would generally end up paying higher premiums. Again, that is not where we are supposed to be heading. According to the Congressional Budget Office, the Baucus bill actually causes many individuals and families struggling today to afford health insurance to end up paying more.

In the same letter, the CBO also indicated that tax increases in the Baucus bill will make monthly health insurance bills go up, not down.

During the Finance Committee debate, my friend from Texas, Senator CORNYN, asked CBO Director Doug Elmendorf a specific question. He said: "Would the new fees on health insurers be passed along to health consumers?"

Dr. Elmendorf responded, "Our judgment," he said, "is that the new fees would raise insurance premiums"—make them go up.

The Joint Committee on Taxation confirmed exactly what the CBO Director had said because during the same Finance Committee debate, the Joint Committee on Taxation Chief of Staff said:

Basic economics is that the fee will be reflected in higher premium costs.

Who pays the premiums? Obviously the people who are being insured or their employees.

I wish to point out that, like many things in this Baucus bill, this new insurance tax system, the new taxes begin in the year 2010—next year—a full 3 years before Americans see any benefits, any coverage benefits. So they are going to start paying for this years before the benefits actually arrive. I thought the goal of health reform was to lower the cost for hard-working Americans, not to raise the costs. Instead, the respected economists who looked at this are telling us that monthly health insurance costs will go up for every single American starting next year.

Next, the Health and Human Services Office of the Actuary, which is another nonpartisan, highly respected scorekeeper, took a look at this Democratic health reform bill. On October 21, they released a memo analyzing the House bill, at the time H.R. 3200. Unfortunately for the Democratic leadership and the White House, the news was not good. The House bill bends the cost curve up. The expenses go up. According to their memo, health care spending will increase if the House bill becomes law.

Here is what they said:

In aggregate, we estimate that for calendar years 2010–2019, National Health Expenditures would increase by \$750 billion or 2.1 percent over the updated baseline projection.

Often the government uses fancy, complex language, so let me be very clear about this. They are saying that as national spending on health care increases, American families will see their monthly health insurance premiums go up.

My friends on the other side of the aisle will try to tell you the data is meaningless. They will try to tell you the taxpayer-funded subsidies included in the bill will make the health care premiums more affordable. It is fascinating to me that the Democrats do not even try to deny that premiums will go up. They admit it. Instead, they tell us not to worry about it.

We should worry about it. The people of Wyoming worry about it. The people of America are worried about it. Why? Because hard-working American taxpayers and the generations to follow will be forced to pick up the tab. I want everyone who is listening to know that the American people are not being fooled. They understand that subsidizing something does not make it cheaper.

Not only do the proposals in front of us raise taxes, they slash nearly \$500 billion from Medicare, from the hard-working Americans who have given and sacrificed and who rely on Medicare for their health care, and they raise premiums, they raise the cost for people who have insurance. They are doing it not to save Medicare but to create an entirely new entitlement program.

Again, my friends on the other side never seem to mention that most Americans will not even qualify for these subsidies that are being promised. About 160 million Americans get their health insurance through an employer. Under the Democratic health reform plans, they will not qualify for a Federal Government subsidy. You have to take the health insurance your employer gives or buy a policy on your own, whether you can afford it or not. That is going to be the law. Either way, it will cost you more if this bill becomes law.

We have not even gotten into the issue of the quality of the care you will receive under this new government-run system. The Congressional Budget Office also confirmed that almost 5 million American people who buy insurance through this new government exchange will not receive any help to pay for their insurance. What good are taxpayer-funded subsidies to help pay for premium increases when most people don't actually qualify for the promised help?

It sounds to me as if the Baucus bill will stick people with higher taxes, will take away their choices, will remove personal freedom, and will implement changes that increase their monthly health care costs. This is not reform; it is a blatant effort by Washington to take over health care in America.

It is important that Members of Congress and the American people fully understand how the Democratic health bills will increase costs, so let's go through the list one by one.

We have already talked about the new tax on health insurance providers. Experts tell us this tax will be passed on to patients. BlueCross BlueShield of Wyoming tells me this tax will raise monthly premiums of families in my State by \$500 a year.

Then there are the new requirements. The Democratic bills all have the Federal Government defining what kind of insurance can be sold and must be purchased. Well, this makes it illegal for insurers to sell certain policies that many people have today, that many people like, and that many people want to keep.

How do they accomplish this? The Democratic bills require most health plans to offer products that meet new, higher, specified what are called actuarial values and cover an exhaustive list of mandated benefits. If you do not know what the term "actuarial values" means, you are not alone. I have been in the practice of medicine for 25 years taking care of families all across Wyoming. I had never heard of it.

"Actuarial values" is a technical term. It stands for the total amount of health spending paid for by an insurance plan. In other words, the actuarial value of a health plan depends on all of the benefits, on any cost sharing that the health plan covers. Actuarial values are represented by a percentage. In insurance plans, they can range anywhere from 55 percent to 90 percent. Typically, as these values increase, the cost increases.

Well, the health care bill raised this so called actuarial value minimum to a standard of 65 percent, which actually is much higher than many policies that are sold on the market today. As a result, experts tell us that people who buy insurance will pay at least 10 percent more just to meet the new standard.

I am sure the other side of the aisle will try to say: Do not worry. We will protect you.

You know, the idea was that you should be able to keep the insurance you have so that your premiums will not go up. But what they do not tell you is that you are out of luck if your insurer stops offering coverage or if you want to change your policy in any way.

How might you change your policy? Well, you might add dental care or vision benefits. If you want to do any of those changes, you are out of luck. Any change to your current insurance policy and the promise that "you get to keep what you have if you like it," well, that promise will not come true.

Finally, there are some new rules called age rating. They are going to drive up the premiums specifically for younger folks. The age rating rules limit the amount premiums can vary between healthy younger Americans

and older individuals. Experts tell us that the Finance Committee bill, for example, will cause monthly insurance premiums for younger, healthier people who are then going to be subsidizing older folks who are sicker—to drive up the premiums of younger folks by 69 percent. These extreme price increases will force young healthy people out of the market. A young person will see that it is cheaper to pay a \$750 fine annually, what they call a tax penalty, and forget about having health insurance than it is to pay \$5,000 a year for health insurance when, as many young people believe, they will never need it. Besides, if this young person does get sick, he or she can always buy health insurance later without facing a penalty.

That is exactly how this bill is written. Without a doubt, the policies I have described will cause health insurance costs to go up for millions and millions of Americans, and specifically so very much for young Americans.

Plans that the President promised the American people that they could keep if they liked, well, we all know the President cannot and will not keep that promise. I will give a specific example. In Wyoming, a healthy 35-year-old man can go out today and buy a high-deductible health insurance policy for about \$90 a month.

Scorekeepers at the Congressional Budget Office estimate this level plan in the Finance Committee bill will cost \$392 a month. That is a huge increase because that is what they are going to be mandated to buy. Not one of my constituents can afford to pay 329 percent more for their health insurance than they can pay today.

We can solve the problem of rising medical costs without a government takeover of health care. I struggle with the assumption that people generally can be trusted to do the right thing and society prospers when government has less to say about how people run their lives. Others start by assuming that Washington knows best and should take more authority over all of us.

There are better ideas that improve our Nation's health care system, commonsense reforms on which all of us can agree. Having practiced medicine, taken care of families in Wyoming for 25 years, I would prefer a step-by-step approach to reform—simple, commonsense, affordable changes that we can implement right away. And all of those ought to be centered on the patient, patient centered, not government centered: Giving people incentives such as lower costs when they engage in healthy behaviors; prohibiting the use of preexisting condition clauses; allowing people to take their health insurance with them if they change jobs; allowing Americans to buy insurance across State lines, to shop for a policy that is best for them, best for their family; giving people the same tax breaks that big companies get when

people buy their insurance policies individually; dealing with abusive lawsuits and the situation there that involves doctors ordering many tests that do not necessarily help the patient stay healthy but help protect the doctor in case of a suit; and allowing small businesses to pool together in order to offer health insurance to their employees at a more reasonable cost to the employees as well as to the business.

The time has come to work together for meaningful reform. I think most Americans would prefer that we get these reforms right than pass a 2,000-page bill—a bill that raises taxes, a bill that cuts Medicare, a bill that costs \$1 trillion, and a bill that represents a Washington takeover of health care.

The American people want better. The American people deserve better. The American people deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. ENZI. Madam President, I would like to talk about health care as well, and I brought a few pages that the American people would be interested in. This stack closest to the podium is actually the House bill, the 2,000-page House bill. On this side is what we are working off of so far on the Senate side because what has been put together has been put together behind closed doors, and it has not been released yet. I assume that is because they do not know the cost and what adjustments will have to be made in order to meet the cost requirements, although it is an extension of cost of probably \$1 trillion.

I wonder if there is anybody in America who believes we can expand programs by \$1 trillion and it will not cost a dime for the rest of us. But at any rate, the stacks over here are the ones from the Senate side. The little bottom stack down there is the Senate HELP bill. Then this is the Senate Finance bill, the 1,600-page bill, although when we were actually debating this bill in committee, we did not know how big the bill would be because we worked off a 220-page summary and did summary amendments.

So this is the first time we have actually got to look at a final product. What is interesting about doing a summary bill is that the amendments are done in summary. If an amendment does happen to pass by the minority, then it is written by the majority, and the devil is always in the details. So we are very anxious to see, although there were not a lot of amendments that we got passed there.

What I mostly want to talk about today is the impact on small business. The status quo in health care is unacceptable. Health care costs are skyrocketing, insurance premiums are in-

creasing, and too many small businesses can no longer afford to offer health insurance to their workers.

While I agree we need to change our current system, the approach reflected in the current health reform bills is the wrong answer. That is these bills. Quite a stack of papers. Very encompassing. Very comprehensive. This is going to affect every single American. We have never had a bill that affected every single American, and that is why it is so complicated. That is why it is so large. That is why it is so hard to deal with. That is why there will be so many mistakes as we go through a pile like that trying to make a few amendments that will improve the bill. They need a lot of amendments that will improve the bill.

So while I agree we need to change our current system, the approach reflected in the current health reform bills is the wrong answer. I object to the current health care reform bills not because I support the status quo but because the bills do nothing to address the problems of increasing costs and premiums. These bills will not reduce health care costs and will actually increase insurance premiums for most Americans.

I have fought for years to enact commonsense reforms that would help slow health care cost growth and make the insurance market work better, particularly for small businesses. Before I entered politics, my wife and I ran a small business. We had shoe stores. We know firsthand how hard it is to meet payroll and provide meaningful benefits to employees. I understand how the current insurance market fails to meet the needs of many small businesses.

That is why I fought for real reforms that will actually help small businesses. In 2006, I introduced a small business health plan bill that would have saved the taxpayers about \$1 billion and would have provided health insurance to almost 1 million people.

The bill would have made commonsense reforms to the insurance market and given more leverage to small businesses to help them negotiate lower insurance premiums. The insurance industry, working closely with many of my Democratic colleagues fought to defeat my bill. Unfortunately, they were successful. We could not pass the cloture motion to proceed; we were short about three votes. Had we been able to get those three votes, we would have been able, with one amendment, to clear up the objections that were made during the cloture debate.

Since 2006, little has changed in the insurance marketplace. Health care costs and premiums continue to spiral upwards. The Kaiser Family Foundation reports that costs for small businesses with less than 200 employees—I consider that to be a pretty big business—rose by 4.7 percent from 2006 to 2007, 2.2 percent from 2007 to 2008, 5 percent from 2008 to 2009, and they are expected to rise next year.

Small businesses cannot continue to sustain these types of price increases.

They need and want reform and Congress should deliver reform. Congress should pass a bill that decreases the cost of health care and reduces insurance premiums across the board, not just for the poor, not just for the uninsured.

Unfortunately, the bills that Speaker PELOSI and Leader REID and President Obama are pushing through Congress will do little to address spiraling health care costs and will actually increase the insurance premiums most Americans pay for their health care.

Even worse, increases in premiums will come at a time of rising unemployment. The 2,000-page Pelosi bill and the 1,500-page Senate Finance bill will drive up costs, increase taxes, and expand the size of government. The non-partisan Congressional Budget Office, the administration's own official actuaries, the National Association of State Insurance Commissioners, and at least six other private studies have all reported that the Democratic leadership bills will drive up costs.

Actuaries at the consulting firm, Oliver Wyman, which did one of the studies, estimated these bills will increase premiums for small business by at least 20 percent. WellPoint, the largest Blue Cross Blue Shield plan in the Nation, looked at their actual claims experience in the 14 States in which they operate and concluded that premiums for healthier small businesses will increase in all 14 States; in Nevada by as much as 108 percent.

Even the Congressional Budget Office has said:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

Let me say again what the Congressional Budget Office said:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

When the 85 percent of Americans who already have health insurance hear the term "health care reform," they want Washington to do something that lowers the cost of their health insurance premiums.

Unfortunately, the bills Congress has developed will do the exact opposite. Our economy can't take the higher taxes, higher unemployment, and higher mandates these bills impose. Taken together, the new taxes, mandates, and regulations in these bills will cumulatively increase health insurance premiums for millions of Americans who currently have health insurance. These higher taxes, higher premiums, and higher costs are not the change the American people voted for. Unemployment is higher than it has been in decades. The housing market is in distress, and more and more middle-class Americans are feeling squeezed by irresponsible decisions being made in Washington. We all agree the health insurance market is broken and needs to be fixed. Everyone who wants health

insurance should be able to get it. They should not have to spend all of their hard-earned savings to do so. No American should be denied health insurance because they have cancer, diabetes, or some other preexisting condition. No one should be denied health insurance, period. These reforms are very important and long overdue.

We also need to enact commonsense reforms similar to the reforms I advocated in 2006 with small business health plans and then in 2007 and 2008 with my plan for 10 steps to transform health care in America. That was a step-by-step process that would get us to where all the promises are being made. It is on my Web site.

I urge the Democratic leadership to go back to the drawing board to develop bipartisan health care solutions that will actually reduce costs and make health insurance more affordable for small businesses and most Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT  
OF 2009

Mr. WEBB. Madam President, I rise to give my colleagues a progress report on the National Criminal Justice Commission Act of 2009, the goal of which is to create a blue ribbon national commission to take a long overdue and comprehensive look at our criminal justice system. This week the full Judiciary Committee is scheduled to consider this bill, and the markup would not have taken place without the strong support of Chairman LEAHY and Senators HATCH, GRAHAM, DURBIN, and SPECTER, all of whom have championed this bill. I express my appreciation to them and to other Members for all of the input and cooperation they have given.

I wish to begin by revisiting the problem that drove this legislation. This is a chart that shows the incarceration rate in the United States compared to other countries. I don't think a lot of Americans are aware that we have 5 percent of the world's population but 25 percent of the world's known prison population. When I wrote about the Japanese prison system as a journalist 25 years ago, Japan, with half our population, had only 40,000 people in prison. At that time, we had 580,000. Today we have more than 2.38 million prisoners in our criminal justice system and another 5 million involved in the process either on probation or parole. That is 7 million Americans involved in the criminal justice process.

It is important for us to understand, as we think about a way to fix it, that this is a relatively recent phenomenon in American history. We have not always had this type of incarceration rate. It stems from about 1980. Before that time—this chart goes all the way back to 1925—we had a fairly consistent incarceration rate. In this period, for a number of reasons—one of them being

the fact that as we changed a lot of our policies toward mandatory confinement of the mentally ill; our prisons have absorbed a tremendous population of mentally ill—we have four times as many people in prison in the United States who are mentally ill than we do in mental institutions today. They are not getting the care they need, and they are also clogging up the prison system. Also if we go back to 1980, when I showed on the chart the beginning of this dramatic escalation of people in prison, we only had 41,000 people in our prison system for drug offenses. Today that number is up to 500,000. This is State prisons, a comparison from 1980 to today. These are local jails, and these are Federal prisons.

At the same time—and it is important for us to say this—as we look at our criminal justice system, people don't feel any safer. This chart shows the percentage of Americans who believe crime is more prevalent than a year ago. In 2009, more than 70 percent in this country believe crime is more prevalent than it was a year ago. We have two phenomena here. We are locking up more people on a percentage basis than anyone else in the world. We have 7 million Americans involved in the criminal justice process, yet we don't feel any safer.

I have two theories about why this fear is prevalent in America's neighborhoods. Both of them speak for the need for this type of commission. The first is that we have been locking up far too many people, people whose transgressions could have been dealt with in more creative ways. As a result, we have hundreds of thousands of people who have been released from prison each year and are reentering American society hardened by their prison experience and without the kind of structured programs that would allow them to become productive citizens. They become recidivists. So we have more people involved in the criminal process than we would otherwise, and they are threatening our neighborhoods.

The second is that gangs have grown in size and impact, including sophisticated transnational drug cartels operating in cities across America. It is estimated that Mexican drug cartels alone are operating in at least 230 American cities and not simply along the border. Incidents on the border illuminate the severity of the problem, but clearly it is not a border problem. It is a national problem, and it is not simply a problem with Mexican gangs. In northern Virginia alone, it is estimated there are 4,000 members of MS-13, a Central American gang; 4,000 members is about 3 battalions of marines. Gangs are estimated to commit 80 percent of the crime in some locations. They are in many cases the primary retail distributors of drugs. Gang violence that affects so many of our communities speaks to the need to make sure our law enforcement officials have the time and the energy to

dedicate to going after the major problems that threaten communities—resources and the policies they need to go after violent crime.

The hundreds of thousands of men and women leaving prisons and jails today to return to our communities speaks volumes about the need to reexamine the availability of and the support for community corrections programs, including reentry programs, probation, and parole policies.

Once we started talking about these issues on my staff, as part of the Joint Economic Committee, holding hearings over the past more than 2 years, we began receiving messages, communications, and having contact with people from all across the country, people from every different aspect of the political and philosophical arenas that come into play wherever we talk about criminal justice and incarceration. It is an emotional issue from across the philosophical spectrum. I heard personally from Justice Kennedy of the Supreme Court, from prosecutors, judges, defense lawyers, former offenders, people in prison, police on the street. All of them agree we need an interrelated examination, a national commission to examine the criminal justice system and to come up with different types of approaches.

As former Los Angeles Police Chief William Bratton noted in his testimony in support of the commission:

We cannot use arrests as our only tool to deal with the crime problem . . . our problems are systemic, widespread, and growing, and only a singularly focused blue ribbon commission comprised of informed practitioners, scholars, policymakers and civil rights activists can adequately address the calculated formation of intervention and prevention strategies. Formation of this important commission is a major and essential step in the right direction.

That was from Los Angeles police chief and one of the most highly respected law enforcement officials in the country, William Bratton.

I introduced the National Criminal Justice Commission Act in March. The criminal justice commission would examine all of the elements involved in criminal justice in those specified areas which could then be voted on by the Congress. When this legislation becomes law, the first step for the commission will be to address a series of specific findings and to recommend policy changes. The commission will bring the greatest minds in the country together with a specific timeline to make specific findings and then give those recommendations regarding the entire gamut of the criminal justice system.

Since I have introduced the bill, we have gained the support of 35 Members of this body. We have also engaged in a dialog with more than 100 organizations across the political and philosophical spectrum, as diverse as the Heritage Foundation, the Sentencing Project, the Fraternal Order of Police, the National District Attorneys Association, the Cato Institute, the

NAACP, the American Civil Liberties Union, the American Correctional Association, the Prison Fellowship, the American Probation and Parole Association, and many others across the entire political spectrum. We have listened. We have learned. We have incorporated many suggestions and modifications to the bill.

For example, in the initial findings of the bill, we incorporated suggestions that we include the number of crime victims, advances in policing policies, decreases in violent crime and property crime, and the protection of civil rights and liberties. We added an examination of changes in policing as a result of 9/11, the cost and benefits of prevention and diversion programs, and an examination of the availability of re-entry programs. We also added requests that the commission identify effective practices in reducing crime and assisting victims; that it decrease, where possible, racial, ethnic, and gender disparities; and that it help law enforcement address the challenges stemming from combating terrorism and promoting homeland security.

We also expanded, importantly, the number of commission members to ensure better representation of State and local government. I wish to spend a minute on this for the understanding of my colleagues. This commission is designed to be bipartisan. It is to be composed of 13 members: the chairman, appointed by the President; four members coming from State and local governments, appointed by the President in agreement with the minority and majority leader and the Speaker of the House; 2 members appointed by the majority leader of the Senate, in consultation with the chairman of the Committee on the Judiciary; 2 members appointed by the Speaker of the House with the same process; 2 members appointed by the minority leader of the Senate; 2 members appointed by the minority leader of the House. It will be a 7-6 commission.

Through the course of many meetings, we found a solid consensus in support of a comprehensive review of the system. This represents our best effort to set politics aside and to find solutions that will allow us to ensure the safety of our communities while being smart about how we deal with crime in America.

Again, I appreciate the chairman of the Judiciary Committee scheduling a markup on this bill. I commend it to my colleagues and hope we can all join together in passing it this year.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Missouri.

**Mr. BOND.** Madam President, I ask unanimous consent to speak for up to 10 minutes in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### AFGHANISTAN

**Mr. BOND.** Madam President, yesterday Afghanistan's Independent Election Committee announced that a runoff election is no longer necessary, which means Afghan President Hamid Karzai has secured a second term.

Whatever your feelings about President Karzai, this peaceful resolution of Afghanistan's electoral mess should have brought a sigh of relief for anyone waiting with bated breath for our own administration's decision on whether to support General McChrystal's troop request, whether to support the President's plan for Afghanistan.

After all, according to the White House, President Obama's decision was "weeks away" because he was waiting to announce a decision until after the Afghan election was decided. But yesterday I read in the New York Times that the White House Press Secretary said the President's announcement was, once again, "weeks away." This is beginning to sound a little bit like Charlie Brown and the football, only the game the White House is playing has deadly consequences.

While the White House continues to dither and delay in Washington, American heroes and our Afghan allies are dying on the battlefield.

Last month was the bloodiest month in Afghanistan since the war started. As the people of Afghanistan see America's will waiver in Washington, the terrorists gain strength.

General McChrystal said last July we have only about 12 months to get in the troops necessary to reverse the momentum the Taliban has gained because their forces overwhelm the number of ISAF and trained Afghan troops we have on the field.

It is going to take some time, once a decision is made, to get the troops we need there to support General McChrystal's implementation of the President's plan.

So I call on President Obama to end this deadly indecision. Mr. President, please recommit to the very strategy you announced in March. Recommit to the "war of necessity," as you so eloquently—and rightly—called by name the conflict our troops are engaged in, in the villages and mountains of Afghanistan.

In addition to calling on the President to end the delay, I call on the pundits here in Washington to abandon their excuses to justify further delay. We have heard excuse after excuse, constant attempts to justify delay by some in the media and some on the far left. The latest red herring was the Afghan elections. Now that the election is resolved, the next excuse is corruption in Kabul.

Don't get me wrong. I agree that corruption must be tackled. In fact, I outlined the need to take on corruption in the "Roadmap to Success" for the region that I sent to then President-elect Obama, the Defense Department and the intelligence agencies and his national security team last November. But don't forget this critical truth: "All politics is local," and so is security.

Everyone in Washington is all too familiar with that truth, but it is undeniable in the mountains and villages in Afghanistan. The Taliban is not waiting for a Jeffersonian democracy to flourish in Kabul as they continue to

kill our troops and attack the people of Afghanistan.

Yes, we must tackle corruption at every level. There are lots of other challenges we must take. But security in Afghanistan will not come from Kabul. It has to be built village by village, valley by valley. The knowledgeable professionals who advise us in public and in classified sessions have told me, time and time again, that security must come first.

I have spoken on this floor many times about the need for smart power. That is military power backed by economic development, better governance, the provision of basic services. But that additional element—all the other things besides military force—awaits the establishment of security so the people we are working with can feel secure and not be subject to intimidation by the Taliban.

For too long, the international community has been too fixated on the machinations of Kabul and questions about various leaders who have been elected by the people of Afghanistan and not focused enough on the fights in the villages and the valleys.

I am proud to say our brave American National Guard units in provinces in Afghanistan are showing what can be done when you provide security, along with the economic development tools to provide a better life and a way forward without the Taliban control over their communities.

We will only succeed when the people of Afghanistan feel secure from the intimidation and violence of the Taliban, when Afghan forces can be developed to the point where they can protect the population for good, when local governance begins to deliver schools, wells, and fundamental institutions for economic development and justice.

These institutions, from national security forces to economic development, to the institutions of justice—courts, jails, cops—will only stay if Kabul organizes itself to support them. But the progress we must commit to now is a necessary precondition. It is imperative in the rural areas now and all the regions to establish that security. Then it is important for them to work from the bottom up to secure the government they want in the capital.

The time for excuses is over. Every day we delay, the enemy grows stronger. Our troops and allies, who are beginning to be dispirited by our delay, are essentially being told: Wait. We are not sure what you are doing is worthwhile. The people of Afghanistan whom we are counting on to side with us rather than the Taliban are beginning to wonder: Is the United States going to pull out again, like we have done too often in the past?

The President and this Congress need to send a signal today to the Afghan people that America will not abandon them in this critical fight against terrorism. Our allies need to know we will remain by their sides to defeat this

enemy together. Our enemies need to know they cannot wait us out, that America will be strong.

If we fail to deliver this message and to commit the troops General McChrystal has asked for, the dangers are very real. Let there be no doubt, from everything we have heard, everything we have learned, if we do not send the additional troops, if we try to stand off and use a fire-and-fallback policy—that failed in Iraq until we brought in the counterinsurgency strategy that our NATO allies tried without success in Afghanistan—not only will the Taliban come back in, they will come over the mountains, and Taliban rule will be established in Afghanistan. With Taliban rule comes their sometimes witting, sometimes unwitting allies—al-Qaida—which will use it to establish the same kind of base they had in Afghanistan prior to the 9/11 attacks. Failure will embolden the enemies of freedom who launched the attacks of 9/11 from Afghanistan.

I call on President Obama to end this indecision, commit to his own strategy—which he announced so powerfully last March and which I was proud to support on the floor—and show the American people and our allies the same resolve and determination I heard in his words this past spring. He said:

Our spirit is stronger and cannot be broken; you cannot outlast us, and we will defeat you.

It is time we delivered on that promise.

#### CZECH AND SLOVAK REPUBLICS

Madam President, I also have a statement in recognition of the tremendous success that has occurred in the Czech Republic and the Slovak Republic since 1989. When the Soviet Union dissolved in 1989, the people of Czechoslovakia joined together to oust communism and adopt democracy.

We have seen tremendous success in the past 20 years. Remarkable changes have taken place, as both the Czech Republic and the Slovak Republic have sought and achieved membership in NATO and moved to the kind of progress and peace we expected for them.

In 1989 the former Soviet Union was in the final throes of a slow demise which concluded in 1991. Many of the former Soviet republics were in a state of uncertainty as the situation deteriorated further.

In the fall and winter of 1989, the people of Czechoslovakia joined many other recently separated republics and chose to oust communism and adopt democracy through the Velvet Revolution. Twenty years ago the country then known as Czechoslovakia freed itself of communist control, instituted democratic elections, and set out to adapt its command economy to the free market.

The remarkable swiftness which ushered out the former government while maintaining relative order and peace was inspiring to the world as we watched apprehensively the events un-

folded. Czechoslovakia's move away from communism and toward greater political independence, led to the eventual separation of the country into the current Czech Republic and Slovak Republic.

During the past 20 years, remarkable change has taken place as both the Czech Republic and Slovak Republic have sought and achieved membership in the North Atlantic Treaty Organization, NATO. The Czech Republic was accepted as a member of NATO in 1999, as was the Slovak Republic in 2004. Both nations are now formal members of both NATO and the United Nations, and their military units now contribute to important missions throughout the globe and continue to play a strategic role in the region.

Furthermore, the Czech Republic has a local tie near to my heart associated with its NATO admission. The documents of admission were signed at the Presidential library of Missouri's own President Truman in Independence, MO. As we work to pursue our mutual interests, I wish both the Czech Republic and the Slovak Republic continued success and prosperity as we work toward mutual goals.

Madam President, I yield the floor.

#### RECESS

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

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—Continued

Ms. STABENOW. Mr. President, I wish to speak both about the substance of the amendment in front of us that I understand Senator REID and the distinguished chair of the Finance Committee, Senator BAUCUS, have put forward, the substance of it and supporting it, and also on the time it has taken us to get to this point, which is of tremendous concern to me. I know it is also to many other people, certainly people in the great State of Michigan, which I represent.

I believe we are on week 5 of trying to extend unemployment benefits for people who, through no fault of their own, have lost their jobs, are looking for work, trying to hold things together, trying to keep a roof over their families' heads and keep food on the table, and Michigan is getting cold, so the heat is coming on. They are trying to do that while looking for a job.

People want to work. People in Michigan work and they want to work. They are skilled and they are ready to work. We know that for every one job available, there are six people trying to get that job. So we are in an extremely difficult time. That is why we extended

unemployment benefits in the Recovery Act. I thank our President. We had challenges under the previous President in being able to do that. President Obama put that forward, and I am grateful for his continual support and all of our colleagues who supported that.

But now we find that even as things very slowly begin to turn in the economy, every day we still have 70,000 people who are going off of their unemployment insurance benefits and they still cannot find a job. These are middle-class Americans who have played by the rules, and what is happening is not their fault. They are trying to keep things going until they can find a job.

We have now spent weeks and weeks trying to get to this bill. Since we started debating this on the Senate floor, as of today, 186,000 more people have lost their benefits and are trying to figure out what in the world they are going to do for their families. That is the situation we are in.

We have in front of us a very important amendment that has been worked on on a bipartisan basis. I congratulate everyone who worked on this together. I hope we will pass this quickly and move on and send the right message to people in this country that we get it, that we understand what is going on for families.

Let me speak about the amendment, and then I will speak about the process.

The amendment would allow an extension of 14 weeks for anyone who is currently unemployed in their State and qualifies for unemployment insurance and an additional 6 weeks, totaling 20 weeks, for people in my great State who have been hit too hard for too long. So we need to get this passed.

There are other provisions that have been combined with this. One of the other successes—in fact, I am proud, as the original author of cash for clunkers, to have Congress talk about that and the first-time home buyers tax credit. That has helped the economy. We know there is an expiration of the first-time home buyers \$8,000 tax credit, so we extend that. There are other provisions in there as well.

There is another provision I am proud to have helped champion in the Finance Committee and now in this legislation, which is to allow companies that are struggling in this economy to keep themselves going, to keep people employed, to keep their lights on, and to be able to get immediate help with the net operating loss carryback—it is the way they calculate their losses—which will allow capital to immediately flow for small, medium, and large companies that are cash-strapped. That capital will help businesses be able to hire people, purchase equipment, or to turn their businesses around to be able to keep things going and keep their businesses going. That is in this provision as well. It is an important bipartisan effort.