we have rationing? A lot of committees have tried to say that there would not be any rationing coming from this, and that was in the original House bill. But as it is put together as one final package, as it is here, that section, unfortunately, was dropped. In other words, the prohibition on rationing is not in this bill.

This is what the latest House bill proposes: more taxes, more spending, higher premiums, fewer choices, a government-run plan, the biggest Medicaid expansion in history, unsustainable new entitlement programs, and 2,000 pages.

Despite all the promises, the facts don't lie. The House bill and the HELP Committee bill I referred to during these remarks represent an unprecedented government takeover of our Nation's health care system—a takeover that this country cannot afford, and a takeover that the American people don't want.

I thank my colleagues for giving me this time beyond the hour of 4, when the unemployment compensation bill was to be taken up, so I could keep another obligation.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

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

The bill 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.

Reid motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 2717, to change the enactment date.

Reid amendment No. 2718 (to the instructions (amendment No. 2717) of the motion to commit), of a perfecting nature.

Reid amendment No. 2719 (to amendment No. 2718), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield to the Senator from Illinois such time as he desires.

Mr. DURBIN. Mr. President, I thank the chairman of the Finance Committee. He will be discussing a matter of grave importance in Illinois and all across the Nation, the extension of unemployment benefits, which we have been trying to bring to the floor for 27 days. Our Republican colleagues have opposed it, stopped it, delayed it, and demanded every vote they can think of to stop the extension of unemployment benefits, even though there are millions of Americans out of work and desperately looking for jobs. Many of them have exhausted their family savings trying to avoid foreclosure, to feed their families, and they need these benefits desperately. But we have been held up time and again because several Republican Senators have insisted on amendments that have nothing to do with unemployment and nothing or little to do with the economy. I hope today we can break through that. I hope we can find bipartisan support to extend the unemployment benefits.

I thank the Senator from Montana for yielding a moment to me.

I wish to respond to my friend—and he is my friend—my colleague, Senator GRASSLEY of Iowa, my neighboring State. He and I have worked on many things together. Our political views differ, that is for sure, but I believe he is a hard-working, good representative of his State. In fact, when I said that once on the floor, he ended up quoting it in one of his campaign brochures, which got me in trouble with the Iowa Democratic Party. But so be it. I like him, and I hope he feels the same.

We have worked together on many issues, but for the Senator from Iowa to come to the floor and be critical of a bill saying it is too many pages—that is what I have heard over and over again from the Republican side. They have argued that health care reform in the Senate is going to run over 1,000 pages in length, and they say it over and over again.

I don't know historically what major legislation considered on the Senate floor is comprised in the number of pages, but we have had some pretty big bills in the past—in the Senate Appropriations Committee and other places—because those bills take on big issues and big subjects. Nothing is bigger than our health care system in America. To talk about 1,000 pages really does not do justice to the enormity of the task we are tackling, to try to bring costs under control so people and businesses across America have secure and stable health care.

We ought to make sure as well that the health insurance companies stop exploiting those who have health insurance policies. We want to eliminate preexisting conditions as an exclusion. We want to make sure when you are sick, your health care will be there; that when you change jobs, you can take your health care with you. We want to make sure your children are covered for longer periods of time than they are now under current law. It takes a few pages to put that together. You cannot put it in a few sentences if you want to change the law and make it work.

So to come here and criticize the bill which has not been presented in a final form as I stand here I don't think makes a very strong case.

I asked the other day for the Republicans to tell me how many pages their health care reform bill is. The Senator from Tennessee said they were working on several different bills but they would be shorter in length. The closest we can come to the Republican health care reform bill I hold in my hand. It is 2½ pages long, and it consists of a press release from MITCH MCCONNELL, the Senate Republican leader. That is as far as the Republicans have gone in writing health care reform for the American people. It is a press release. In this press release, there are no positive things they stand for, only criticisms of our efforts to write a health care reform bill.

To my right is the Senator from Montana, the chairman of the Senate Finance Committee. He has spent the better part of a year—at least a year—trying to put together a health care bill. He has engaged others in trying to bring them into this conversation. Unfortunately, at the end of the day, only one Republican Senator, Ms. SNOWE of Maine, joined Senate Democrats in voting for health care reforms. So far, she is the only Republican in the House or the Senate who has voted for health care reform even at the committee level. The Republicans have been standing on the sidelines while we have been trying our best to put together good legislation which will bring the cost of health care down, protect those beneficiaries who are denied coverage under their health insurance plans, and extend the reach of competition and choice so more Americans have places to turn. When the Senator from Iowa complains about so-called rationing, I think he overstates the case.

We know there is too much money spent on the current health care system. There is duplication, waste, and fraud, and we want it to come to an end. If Medicare is going to be on sound financial footing, if we can say to seniors today and for years to come that they can count on Medicare being there when they need it, we have to cut out unnecessary spending.

One of the areas in that particular program that is highly controversial is called Medicare Advantage.

Medicare Advantage was proposed by the insurance industry. They said years ago: The government has tried to run Medicare for 40 years, but they haven't done a very good job. Why don't you let the private insurance companies offer a Medicare plan. We will show you what you can do when you use the genius of the insurance industry in America to offer Medicare.

We took them up on their challenge and said to them: Present the insurance policy to seniors that will provide Medicare benefits.

They called it Medicare Advantage, and there are literally millions of these policies all across America today.

We stepped back after a number of years and said: How did they do?

They challenged the government and said: We can do it better.

Some did. But we also found Medicare Advantage plans that were overcharging the government 14 percent more than the cost of basic Medicare the government offered. So instead of bringing the costs down, the costs went up 14 percent. We were creating a subsidy to private health insurance companies to offer Medicare plans. That is a waste of dollars. The health insurance industry, although they used those dollars to their own benefit, are not helping Medicare, and they are not helping the taxpayers of this country.

The recent news about profits of the insurance giant Humana explains why the major health insurance companies and most of the Republicans oppose health care reform and why they have gone to such great lengths to defeat our efforts.

Last quarter, Humana saw their profits rise 65 percent, mostly due to the participation in the Medicare Advantage Program, the subsidies the taxpayers are sending them. This one company made $301 million in profits in the last 3 months alone, and they did it, by their own admission, on the backs of Medicare and Medicare Advantage beneficiaries.

The insurance industry is making billions by gaming the Medicare Advantage system at the expense of seniors' traditional Medicare coverage, and taxpayers are picking up the bill. For some reason, the Senate Republicans feel the need to defend them at every turn. When you hear the opposition to health care reform, it is inspired not exclusively but to a great extent by the opposition to health care reform from the private health insurance companies.

Why are these companies opposed to health care reform? Because it means competition. A public option plan that is available around this country will create in many parts in our country the first real competition for health insurance. It means consumers have a fighting chance to get a lower monthly premium because there will be a not-for-profit company there offering health insurance benefits. It is a company that is not focused on the bottom line of showing profits for shareholders. It will be a company that is not marketing and spending a fortune on advertising. It will be a company that is not spending so much on administrative help to say no to those covered by insurance policies. This will lower costs, and this is what drives the private health insurance companies wild.

Secondly, they hate to hear two words—McCarran-Ferguson—because they refer to a law passed by Congress 64 years ago which exempted the insurance industry and health insurance industry from antitrust regulations. Currently under the law, health insurance companies can legally conspire and collude to establish the premiums they will charge all across America. There is no real competition. When they set premiums, they have sat down and agreed on what they are going to charge. And they can allocate markets. They can make sure they dominate markets so there is no real choice there for consumers.

I think McCarran-Ferguson is outdated. It is a travesty under the law to allow it continue, and it should end. You will not hear one single Republican Senator say that—at least I haven't yet. I hope they join us in calling for real health insurance reform, in ending McCarran-Ferguson protection and exclusions based on preexisting conditions, for example, and giving real choice to consumers across this country. Instead, what we hear from them is the language of the health insurance companies opposing fundamental health insurance reform.

The American people have run out of patience with those who tolerate and encourage the current system—a system that fails us, as premiums go up even as wages do not; a system that, unfortunately, is not offering health care protection for millions of Americans working for businesses that even last year offered health insurance protection but they just cannot afford to do it anymore.

We are going to keep pressing forward. The Republican plan consists of a three-page press release. It will take more than that to bring meaningful change to health care in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on the provision to extend unemployment insurance, as well as extend the home buyers tax credit, as well as expand the net operating loss provision. I wish to speak about that provision because I think it is so important that it pass.

The British mathematical physicist Lord Kelvin once said:

> Until you can measure something and express it in numbers, you have only the beginning of understanding.

The numbers now measure the beginning of a recovery, and we are beginning to understand the depth of the great recession of 2008 and 2009. It has been the longest recession since World War II. The numbers show that the American economy has been shrinking from the middle of last year to the middle of this year—shrinking. For January through March, it declined at a 6.4-percent annual rate. It has been the sharpest decline in 27 years. But last week, the Commerce Department reported that from July through September, the numbers show the economy grew at a 3.5-percent annual rate.

When economists talk about the end of a recession, however, they mean the time when things stop getting worse, not necessarily getting better but stop getting worse. For most Americans, it will still be some time before things start getting better. Even though the economists can measure some improvement and express it in the numbers, we still have only the beginning of a recovery.

Economists say that the stimulus package we passed last winter is part of the reason for the growth. On Friday, the Obama administration reported that the stimulus package has created or saved more than 640,000 jobs so far. Economists also credit consumer spending for the latest growth. In particular, economists credit automobile and housing sales. From July through September, housing sales rose at a 23.4-percent annual rate. The home buyer tax credit played a big part in that growth. That is one of the provisions we are considering in the amendment before us today.

It will still take some time for the job picture to improve. Job growth turns around more slowly than the economy as a whole. Economists call this a lagging indicator. Last month, the jobless rate reached 9.8 percent. That is the highest rate in 26 years. Economists expect this week's report will show that unemployment rose again this month. Economists will say jobs will still be hard to find well into 2010.

Last week, the Labor Department reported that 530,000 people filed their first jobless claims. That number has been heading down, but at more than half a million people, it is still far too high.

We still need to do more to help the economy recover, and we still need to do more to help Americans get and keep good jobs. The extension of unemployment benefits and the tax relief in this legislation are part of the answer. I hope that today the Senate can act to bring relief to millions of Americans waiting for this important legislation. Unemployment insurance is a vital lifeline for millions of Americans. It is a lifeline many families and communities continue to need just to keep afloat.

Along with the rest of the Nation, my State of Montana has felt the effects of this great recession. Our unemployment rate is up to 6.5 percent, and although it is not as high as the national average, many in my State are suffering. This is particularly true in the Montana mining, lumber, and construction industries. The national demand for lumber is expected to fall below 30 million board feet this year. The amount of lumber used to build new homes is expected to drop from 28 billion board feet to about 5 billion board feet, and that hits Montana very hard.

When we help unemployed Americans, let's remember, we help their communities. When we help our unemployed neighbors, we also help keep open the neighborhood grocery store and the neighborhood gas station.

When we help our unemployed neighbors, we also help our economy and ourselves.

I am gratified that a majority of my colleagues appear to agree that it is important to extend unemployment benefits. I am also hopeful that we will deliver those benefits very soon.

The amendment before us today also includes an extension of the Federal unemployment tax. This extension covers the cost of the extended unemployment benefits. The Federal unemployment tax has been extended every year since 1982.

The amendment before us today would also provide tax relief to help our economy recover. The pending amendment would extend the home buyers tax credit and provide employers important tax relief.

The home buyers tax credit has helped millions of Americans to buy their first homes. The tax credit has boosted demand and it has helped reduce the inventory of unsold homes. This, in turn, has helped to bring much needed stability to the housing market.

But in the housing market, like the labor market, we are not yet in the clear. The housing market is still recovering from the implosion of the subprime mortgage market. In many parts of the country, housing prices remain at record lows and foreclosures continue as Americans continue to lose their jobs and the means to pay their mortgages.

That is why it is important to extend the home buyers tax credit. In the amendment before us today, we have raised the income limitations to open the tax credit to millions more who are thinking about buying a home. Our amendment also extends the credit to include home buyers seeking to move up to a new home—not just for first-time home buyers but those who want to move up to a new home. For those who have lived in their current residence for 5 years or more, they would be eligible for a $6,500 tax credit if they want to buy a new home. It is $8,000 for first-time buyers and a $6,500 tax credit for those who want to move up—for those who have stayed in their current residence for 5 years.

The home buyers tax credit would be extended to April 30 of next year. We also include new binding contract language. This language would effectively make the credit available until June 30 of next year, as long as the home buyer entered into a binding contract before May 1.

I think this temporary extension of the home buyers tax credit is the right approach. It would provide a much needed stimulus of the housing market, and it would remain fiscally responsible.

Our amendment also would add net operating loss relief for businesses. Under current law, small businesses are able to carry back their 2008 losses to profitable years for up to 5 years. Senator SNOWE and I worked together on a bill that would expand this provision to all businesses. The amendment before us today includes that legislation. It would provide all businesses with the ability to carry back losses from 2008 and 2009 for 5 years—not just 2 years but 5 years. That is 3 years longer than under current law. This type of relief will help small and large businesses alike.

This tax relief is paid for also in a fiscally responsible manner. Our amendment would delay a tax break for multinational corporations, many of which would benefit from the expanded NOL relief. We also included increases and penalties for taxpayers who fail to timely file partners and S corporation returns. We believe these provisions will increase compliance with the tax law and also help us close the tax gap.

This package provides timely and essential relief to American families and businesses that have been affected by our economy. Our amendment would extend benefits to the unemployed Americans who are hurting the most and would help home buyers to buy homes. It would provide support for all businesses that are having trouble meeting their payroll in these tough economic times.

This amendment would help to speed the recovery from the great recession. It would help to improve our economy, and it would help the American people. I urge my colleagues to support the legislation and vote for cloture on the amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, a few moments ago, the Senator from Illinois was on the Senate floor essentially responding to comments that had been made by the Senator from Iowa, Mr. GRASSLEY, regarding the health care debate and the legislation that has been reported out of the House and that is going to be voted on this week—legislation which is 1,990 pages long.

The Senator from Illinois asked: Where is the Republican bill, if they do not like the Democratic bill? Well, there are a number of Republican bills out there, but I would say to the Senator from Illinois or anybody on the Democratic side who is waiting for Republicans to produce a 2,000-page bill, it is not likely to happen. We don't believe legislating with 2,000-page bills makes a lot of sense when we are talking about one-sixth of the American economy. We believe it makes a lot more sense to approach that in a way that fixes and addresses the problems that exist with the health care economy in this country today in a step-by-step way, not with a huge, massive expansion of the Federal Government in Washington, DC.

The bill that came out of the House last week—at least according to the CBO—was a $1 trillion increase in spending. But that is before it is fully implemented. When it is fully implemented, it will be $2 trillion in additional spending—a massive expansion of the Federal Government in Washington, DC, with massive tax increases on small businesses and working families in this country, massive cuts to Medicare Programs upon which seniors across this country rely and depend. And that doesn't even include what happens if those cuts in Medicare don't happen. And we have reason to believe based on historical patterns they would not happen. Then it probably gets borrowed, and we add more trillions of dollars to the Federal debt—a debt which is already growing at $1 trillion a year every year for the next 10 years.

So we have a massive expansion of government—a $2 trillion expansion of government, massive tax increases, massive cuts to Medicare, and perhaps massive borrowing and additions to the Federal debt. That is what happens with the 2,000-page bill which is being proposed by the Democratic leadership in the House of Representatives.

So if the Senator from Illinois or anybody on the other side is waiting for Republicans to produce a 2,000-page bill that expands the government by $2 trillion and raises taxes on small businesses—which are the economic engine of our economy and that will create the jobs and get us back on a path toward recovery—I would suggest they are going to be waiting a very long time.

That isn't to say for 1 minute that there aren't lots of ideas that Republicans are putting forward that will help drive the cost of health care down—contrary to the big government schemes put forward by the other side which, in addition to raising taxes, cutting Medicare, and borrowing more—if you can believe this—increases the cost of health care by raising premiums for everybody who currently has health insurance in this country.

So the 2,000-page bill isn't coming from us. We have a lot of great ideas that we will have an opportunity to debate and amendments we can offer, if and when we get on this bill. But the 2,000-page bills—the massive expansion of the Federal Government in Washington, DC—is not the way we believe we should fix and address the health care economy.

That brings me to my point because in contrast to a 1,990-page bill some are calling reform—which doesn't reform but certainly wrecks one-sixth of the American economy—I have a simple one-page amendment. It is four lines long. I would like to have the opportunity to offer it to the underlying legislation that is a matter of debate on the unemployment insurance extension, which I think most people on both sides of this aisle support. I think both Republicans and Democrats in the Senate believe it makes sense for us to extend unemployment benefits coverage to people who are losing it, and the underlying bill would do that by 14 weeks.

We also believe when a bill comes before the Senate, under the historical practices of the Senate, typically it is

open to amendment. That is what makes the Senate different from the House of Representatives. Our Founders, in their infinite wisdom, conceived of two institutions—one, the House of Representatives; two, the Senate. The Senate has a more deliberative role. In doing so, it allows for open consideration and debate and votes on amendments.

What has happened today is that the majority leader has decided to fill the tree; in other words, not to allow votes on any amendments. So my one-page amendment, which is very simple and straightforward, isn't going to get voted on.

Mr. President, all my amendment does is end, on December 31 of this year, TARP. If the Congress doesn't take action, the Treasury Secretary can extend TARP. What is important to note about that is TARP has over $200 billion that hasn't been spent, and with payments that have come back into that fund, over $300 billion in funds that are unexpended. If we don't spend those—and it doesn't become a political slush fund to be spent on other priorities the Federal Government in Washington comes up with—that goes to pay down the Federal debt.

I can't think of anything more important now than trying to pay down the Federal debt. If we are worrying about trying to help the economy recover and helping taxpayers, let's take the unobligated balance in the TARP fund, end that program at the end of the year, and use those proceeds to apply to the Federal debt so we can start making a dent in these massive deficits and this massive debt building in Washington, DC.

So that is all my amendment does. It just ends TARP at the end of the year. I think it is significant that since Congress created TARP, Congress ought to have a say in whether it gets extended. If we are going to have that say, it has to happen between now and the end of the year.

I couldn't find many opportunities between now and the end of the year to get this amendment offered, and as we had this piece of legislation moving through the Senate, the sort of natural inclination of this institution is to allow for amendments to be considered. So I offered that amendment so that Congress can be on the record as to whether we think TARP ought to be extended or whether it ought to be ended and those unobligated balances be used to pay down the Federal debt, which, as I said, is growing at $1 trillion a year for the next 10 years.

So I think it is a very straightforward, simple amendment, and simple enough that it can be put on one page. It doesn't take 1,990 pages to explain this. That is all it does. I think it is important to the taxpayers that we have this vote and that the Senate be on the record, that we be heard with respect to whether we think TARP ought to be extended or not, since Congress created TARP a year ago to bring stabilization to the financial services industry of this country.

That having been accomplished, it seems to me the next step ought to be to focus on getting the Federal debt under control and paying down the debt. We can do that by taking those unexpended balances and the unobligated balances in TARP and put those toward the Federal debt.

What is being done today is filling the tree and preventing us from having votes in the Senate. It has been done before; it is not like this is entirely new. But it is important to bear in mind what my colleagues on the other side have said in the past when it was done back when the Republicans were in charge of the Senate. I want to quote what some of the Democrats who are in leadership positions in the Senate today said back then.

This is in February of 2006.

> This is a very bad practice. It runs against the basic nature of the Senate.

That was Senator HARRY REID.

> This is a bad way, in my opinion, to run the Senate.

HARRY REID in March of 2006.

> I have a right, under the procedures of the Senate, to offer this amendment. I should have the right to offer it at the moment, but I am not because there is—I guess the word ''obstruction'' is to be used—obstruction at the moment is the tree is filled so that no one can offer an amendment.

That was Senator BYRON DORGAN back in February 2006.

> If you don't want to cast controversial votes, don't run for the Senate. That is what this is all about. You have to face the music and face the voters.

That was the Senator from Illinois, DICK DURBIN, back in May of 2006.

Those are just a few examples of what my colleagues on the other side have said about the very practice that is being employed by the leader today to prevent Republicans from offering amendments. Those are statements, as I said, made by Members of the now majority back when they were in the minority.

So we are going to have a cloture vote at 5 o'clock—in a few minutes—on whether to proceed to this substitute that is pending before us and whether we are going to allow this practice of filling the amendment tree to be used to prevent not only Members on the Republican side but Members on the Democratic side from offering amendments.

Filling the tree is, as I said, not without precedent. It has been done. But it has been used rarely, historically, up until now. This will mark the 22nd time the Democratic leader has filled the amendment tree in an attempt to prevent an open and fair debate and a vote on amendments that are offered by the Senate.

I served as a Member of the House of Representatives for three terms. There, the Rules Committee regulates what legislation comes to the floor, what amendments are made in order, how much time is allocated to each amendment, and it is an orderly process. That is the way the House was designed by our Founders.

The Senate is a very different institution. The Senate is supposed to be the place where we have open debate, where we have a fair process that allows amendments to be heard and allows amendments to be voted on. I think we have been very reasonable in seeking to offer amendments to the underlying unemployment insurance bill. But as I said, Mr. President, the majority leader has chosen to ''fill the amendment tree'' and thereby prevent those amendments from being offered, those amendments from being debated, and those amendments from being voted on.

Mr. President, I know the Senator from Nebraska is here as well. He also has an amendment he would like to offer that would offset in a different way the extension of the unemployment coverage to the people who are losing their coverage and should have their benefits extended by the additional 14 weeks. His is an amendment I also think should be voted on in the Senate.

But I would like an opportunity to have this amendment voted on. It is one page. But we will not have that opportunity because the majority leader has opted to fill the amendment tree and prevent votes on those amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I wish to make a couple of points, not get into a knockdown, drag-out argument with my good friend from South Dakota.

First, he is saying the Democratic side is limiting his opportunity to offer amendments. I want to remind my friend that actually there has been a lot of to and fro here. The majority leader has offered many other opportunities for your side to offer amendments, back and forth, but it has gotten to the point where the leader had to draw the line and say we have to get moving here, we have to get moving on extending unemployment insurance. The point is, there were many opportunities to offer amendments, both ways. We have to get moving here and get unemployment insurance extended.

The other main point I think is important, just to raise it, basically suggesting this bill is not paid for. The Congressional Budget Office is the gold standard here. The Congressional Budget Office says at least the Finance Committee bill—we don't have another bill before us yet in the Senate, but the Finance Committee bill, the committee I chair—the CBO said the Finance Committee bill was deficit neutral for 10 years. That is their assessment. The CBO is the gold standard. They make these determinations. That is what they said.

They also concluded that the Finance Committee bill would reduce the deficit in future years—reduce the deficit

in future years—and significantly reduce the deficit in subsequent 10-year intervals.

I must say, they also made another very interesting conclusion that rebuts the charge that this health care legislation is more government. The fact is, the Congressional Budget Office concluded, in a letter to our committee, the bill would ''reduce the Government's overall commitment to health care.''

Reduce the Federal Government's overall commitment to health care—not the same, not increase, but reduce. That is the Congressional Budget Office, in a letter: Reduce it. They gave a percentage. I think reduce it by a quarter or half percent GDP over time.

We do not have legislation before us now because the leader is melding two bills together, the HELP Committee and Finance Committee bills. Then we have to go to conference and so on and so forth, but it would be my hope, be my expectation, be my interest, to see that continues, namely that the bill we pass out of this body is deficit neutral, when it comes back from conference it is deficit neutral over 10 years, actually does reduce the budget deficit over time, and actually reduces the Federal Government's commitment to health care. That is, the Federal Government would be paying less in health care over time. I hope that will be the case and that will be my expectation. That is something I will strive for.

I want to make it clear: not more government, less government—according to CBO anyway. Also the proposal out of the Finance Committee was deficit neutral.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, may I inquire how much time is remaining?

The PRESIDING OFFICER. There remains 4 minutes 12 seconds.

Mr. JOHANNS. Mr. President, I rise today to speak to the amendment process with this unemployment bill. It is a very important point that we are making this afternoon.

A few hours ago the very distinguished Member from Illinois, the senior Senator, got up and talked about how the unemployment insurance bill had been stalled by Republicans. He claimed that Republicans had been stalling it for 4 weeks. I rise today to respectfully disagree with that. We have come forward with a series of amendments. That is what the Senate is about. The other side has resisted votes on the amendments. So we started this process of trying to scale this back. We started out with eight amendments. The majority leader said, no, it could only be six. So Republicans got together and said we will come back with only three Republican amendments. Then, lo and behold, there was an objection to that.

Let me repeat: We said eight, they said six, we said three, and they said no.

It turns out there is one significant vote and it is the Senator from South Dakota who I think very appropriately and, I think, wisely put an amendment forward that would put TARP to an end at the end of the year.

I am new to this process. But I have to tell you, in the first weeks I was here when we were voting on amendments I said to myself: This is the most remarkable institution. Somebody from the minority could literally come with an idea from a citizen back home, put that idea out here, and get a vote on that. There cannot be anything like this anywhere in the world.

What is happening today, if I might point out, is that this is being thwarted by filling the tree. For those who are listening to this and saying what does this filling the tree mean, all it means is that the majority leader, who is in control of the process, simply puts all the amendments out there and there is no opportunity for anybody else to offer an amendment. It is called filling the tree.

Look at what is happening. This is what does concern me as a Member of this great institution. If you go back through the history of majority leaders, you can see what has happened. Tom Daschle, when he was majority leader, I think used this once. Bill Frist, when he was majority leader, used this I think it was 12 times, if I remember correctly.

Today, this will be 22 times that the majority leader has done this. What this graph means is if you have an amendment, as I do, that basically says I like what you are doing here. I don't have any problem with extending unemployment. I voted for the tax credit for homes. I voted, or I would vote, for the loss carryback. I talked about it on the campaign trail. But I have an amendment that says we should pay for this the way we did originally, with stimulus funding. That is simple. This is not complicated. All I am asking is for a vote on that. I think that makes a tremendous amount of sense.

What I am saying is if we are going to act like a Senate, if we are going to give each Member the ability to make their case, then what we have to do is stop this and bring these issues to a vote.

I yield the floor.

Mr. KYL. Mr. President, I intend to vote in favor of the H.R. 3548, the Unemployment Compensation Extension Act.

When the Bureau of Labor Statistics recently released jobless figures for September, they showed an estimated 287,300 people unemployed in my home State of Arizona. The State's unemployment rate now stands at 9.1 percent—the highest since 1983.

And as if that weren't bad enough, the Bureau reports that Arizona's unemployment rate approaches 17.2 percent when the number of people who are underemployed are taken into account, along with those who are so discouraged that they have given up on their job search.

The construction industry in Arizona has been particularly hard hit. A report in the East Valley Tribune earlier this week noted that while there were nearly 248,000 people employed in construction in June of 2006, that number had declined to just 137,700 by September. That is a decline of 44 percent. The State's trade and transportation sector is off 15 percent from its peak, and manufacturing is down nearly as much.

The unemployed need the support that this benefit extension will provide. It is a shame, though, that we couldn't have passed this legislation sooner to speed the delivery of these benefits to those who need them.

The House of Representatives passed its version of the unemployment benefits extension bill on September 22, but it was not until 2½ weeks later, on October 8, that the majority leader finally brought a different version before the Senate for consideration. Senators were then given just an hour and a half to review the bill and vote, with no opportunity to consider amendments.

In other words, the majority leader proposed that Senators either pass his bill or no bill at all.

And that is a problem because there are changes that should be made to the bill, yet there is no opportunity for Senators of either party to offer amendments. Acting in my capacity as minority whip, I objected on behalf of other Senators to the leader's short-circuited procedure, fully expecting that we could promptly come to an agreement to allow votes on a limited number of amendments and then vote on final passage. Had the leader agreed, we could have disposed of the bill nearly 3 weeks ago, and it would probably be law by now.

Instead, the majority leader continued to insist that Senators vote on his bill and only his bill, without amendment.

Only within the last few days has there been some willingness to work with us on the important amendments Senators wanted to address. For example, both Republican and Democratic Senators want to include an extension of the homebuyer tax credit, which some credit with reviving the homebuilding industry.

Another colleague would like to offer an amendment to better use E-Verify to prevent fraudulent claims of unemployment benefits. This amendment would help ensure that people who claim benefits are who they say they are.

In addition, colleagues want to offer amendments on net operating loss as a stimulus to struggling companies. Others would sunset the TARP program, provide nongovernment management of the TARP, and prevent TARP recipients from providing funds to ACORN.

Another amendment proposes an alternative offset for the $2.4 billion cost of extending unemployment benefits. The majority's version offsets the cost by extending the Federal unemployment surtax, but imposing a direct tax

on job creation is perhaps one of the worst things we could do when the economy continues to lose jobs. The alternative that some Senators would like to offer would offset the cost of the bill with unspent funds from the so-called stimulus package instead.

How these amendments will be addressed is not yet clear; we do not have the right to offer any of them under the majority leader's closed process.

We should also recognize that we are engaged in this exercise of extending unemployment benefits for one simple reason: Our economy continues to lose more jobs than it is producing. That is because the President's stimulus program is simply not working as intended.

According to an October 29 Associated Press report, the Obama administration is overstating the impact of the stimulus and the number of jobs the program has created. According to the AP report, ''the review found some counts were more than 10 times as high as the actual number of jobs; some jobs were credited to stimulus spending when, in fact, none were produced.''

AP went on to note that ''there's no evidence the White House sought to inflate job numbers in the report, but the administration embraced the flawed figures the moment they were released.''

An October 21 report in the Phoenix Business Journal recalled that while President Obama projected that the stimulus bill would create 70,000 new jobs in Arizona, the State has actually lost 77,300 jobs since the stimulus was signed into law.

If the stimulus isn't working, we ought to consider alternatives or at least try to put some of the remaining unspent funds to better use.

After all, we can and should extend unemployment benefits, but unless new jobs are being created, the unemployed will be no better off once the additional benefits we are providing run out.

Mr. President, I wish the majority leader had allowed this bill to move forward sooner under an open process. We could have passed it weeks ago. But I intend to vote for it today.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The time remaining is 7 minutes 8 seconds on the Democratic side, and 4 seconds on the Republican side.

Mr. BAUCUS. Four seconds. That is interesting.

I want to set the record straight for my good friend from Nebraska. I don't know how wise it would be to pay for this unemployment extension by stopping stimulus payments. Our economy is still coming out, still in recovery. We are by no means out of the woods yet. I think it would not make sense to pay for the extension of unemployment insurance benefits by going back to stimulus money and stopping the payment of stimulus dollars. I do not know exactly how many stimulus dollars are not yet spent, but I think it is significant and I think it would be unwise for us to stop them at this point.

Beyond that, I think we should get on, vote, and pass this legislation. People are out of jobs. There is a record number of people seeking unemployment. There are, I think, about 15 million Americans chasing 3 million jobs. They can't find jobs, can't get them; they are unavailable. It seems to me it only makes sense for us to extend the underlying unemployment insurance for another 14 weeks for all States and 6 weeks for those high unemployment States.

I mentioned earlier how important it is for us to keep spending stimulus dollars. I chuckled when I heard my good friend talk about filling the tree. Frankly, in my State we need not to fill up trees, we need to fell more trees so we can get more jobs in our State, and that is one reason for the extension of the home buyer's tax credit.

The people in our home States, as we know, are more worried about jobs than anything else. That is what it comes down to is jobs, good-paying jobs. With this legislation, hopefully, if we get enough cloture votes so we can invoke cloture and get to the passage of the legislation, it is about jobs—extending the homeowners tax credit, it is expanding the net operating loss provision, which is so important to so many companies. Add to that, it is extending unemployment insurance to those people who need benefits because they are out of work, looking for jobs.

Let me repeat two figures I mentioned earlier: There are about 15 million people in our country unemployed who are looking for about 3 million jobs. That is about one out of five. That is unconscionable in a country such as ours.

Let's get on with this, let's pass this legislation so people can get some help.

I yield the remainder of my time. I guess there is only 4 seconds left on this side. 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. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, I ask all remaining time be yielded back and I ask consent we proceed to the vote on the underlying measure.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus-Reid amendment No. 2712 to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

MAX BAUCUS, BYRON L. DORGAN, EDWARD E. KAUFMAN, MARK L. PRYOR, JEFF BINGAMAN, TOM UDALL, ROLAND W. BURRIS, TIM JOHNSON, MARY L. LANDRIEU, PATTY MURRAY, AL FRANKEN, MICHAEL F. BENNET, BENJAMIN L. CARDIN, RICHARD DURBIN, HERB KOHL, MARK BEGICH.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on amendment No. 2712, the Baucus-Reid substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea,'' and the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

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

The yeas and nays resulted—yeas 85, nays 2, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—85

Akaka	Enzi	McCain
Alexander	Feingold	McConnell
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Hagan	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Brownback	Inhofe	Risch
Burr	Inouye	Roberts
Burris	Johanns	Rockefeller
Byrd	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Shaheen
Carper	Kirk	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Cochran	Kyl	Stabenow
Collins	Landrieu	Tester
Conrad	Lautenberg	Thune
Crapo	LeMieux	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Vitter
Durbin	Lincoln	
Ensign	Lugar	

Voinovich	Webb	Wicker
Warner	Whitehouse	Wyden

NAYS—2

Bond	DeMint

NOT VOTING—13

Bennett	Gregg	Menendez
Bunning	Hutchison	Murkowski
Coburn	Isakson	Sessions
Corker	Leahy	
Cornyn	McCaskill	

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on amendment No. 2712, the motion to commit falls.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mrs. SHAHEEN. Mr. President, the Senate has just voted on a motion to advance the Unemployment Compensation Extension Act. This is the second time—that is right, the second time—we voted on this critical legislation. But, unfortunately, opponents of the extension are still holding it up.

The bill under consideration today incorporates important ideas from both sides of the aisle. When the House bill included additional weeks only for workers in States with unemployment rates above 8.5 percent, the chairman and the majority leader allowed us to work out a compromise that would support jobless workers in all 50 States.

An amendment by Senator ISAKSON to extend the home buyers tax credit has now been incorporated into the Senate bill, as well as an important amendment from Senator BUNNING to extend the carryback of net operating losses for up to 5 years. Both of these are good ideas that will help homeowners, help our housing market, and provide relief to businesses that are trying to weather this economic recession. Both have now been included in the Unemployment Compensation Extension Act.

Now it is time for all of us to stop playing politics and to focus on the critical issue we started to address a month ago: the devastating rates of unemployment and the nearly 2 million Americans who are exhausting their benefits at the rate of 7,000 a day.

This is good legislation. It is legislation that provides at least 14 additional weeks of unemployment insurance for those Americans who have been hardest hit by this recession and those whose benefits are starting to be exhausted. I was pleased that once again the motion to advance this bill received broad bipartisan support. The vote was 85 to 2. The first vote was 87 to 13. It should receive this kind of support because unemployment isn't a New England problem or a Montana problem or a southern problem; it isn't a Republican or an Independent or a Democratic problem; it is a hardship that hits every community in every State in every part of our country.

Last week, I spoke about my constituent Jane McDermott from Stoddard, NH. Jane wrote me last week that without this extension, she doesn't know how she is going to pay for the gas she needs to get out and look for a job, she doesn't know how she is going to pay for groceries for her family or any of the other family necessities. I was hoping that today Jane would get the news she has been waiting for—that this extension will be put into effect and that she, along with millions of other Americans who need it, will get the help to be able to continue to look for a job and continue to get the family necessities while she does that.

I think it is time—again, way past time—for us to put politics aside. We shouldn't make Jane or any of the other hundreds of thousands of Americans who have been waiting for this extension wait one more day.

Mr. President, I yield the floor with the hopes that we will get an agreement today, tomorrow, as soon as possible, to help the people who need help. Thank you.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that the time during morning business count against the postcloture time.

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

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another 6 months have passed, and more American troops have lost their lives overseas in Iraq and Afghanistan. I wish to honor their service and sacrifice by including their names in the CONGRESSIONAL RECORD.

Since I last included the names of our fallen troops on April 23, 2009, the Pentagon has announced the deaths of 310 troops in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten and today I submit their names into the RECORD:

PFC Lukas C. Hopper, of Merced, CA; SPC Adrian L. Avila, of Opelika, AL; Frank R. Walker, of Oklahoma City, OK; PFC Brian R. Bates, of Gretna, LA; SPC Joseph L. Gallegos, of Questa, NM; SPC Robert K. Charlton, of Malden, MO; SSG Keith R. Bishop, of Medford, NY; SFC David E. Metzger, of San Diego, CA; SGT Nikolas A. Mueller, of Little Chute, WI; SGT Josue E. Hernandez Chavez, of Reno, NV; SSG Shawn H. McNabb, of Terrell, TX; CW3 Niall Lyons, of Spokane, WA; CW4 Michael P. Montgomery, of Savannah, GA; PFC Christopher I. Walz, of Vancouver, WA; SPC Jared D. Stanker, of Evergreen Park, IL; SGT Patrick O. Williamson, of Broussard, LA; SGT Issac B. Jackson, of Plattsburg, MO; SGT Dale R. Griffin, of Terre Haute, IN; SGT Fernando Delarosa, of Alamo, TX; SSG Luis M. Gonzalez, of South Ozone Park, NY.

LCpl Cody R. Stanley, of Rosanky, TX; SPC Brandon K. Steffey, of Sault Sainte Marie, MI; MAJ David L. Audo, of Saint Joseph, IL; PFC Devin J. Michel, of Stockton, IL; SGT Eduviges G. Wolf, of Hawthorne, CA; Capt Kyle R. Van De Giesen, of North Attleboro, MA; Capt David S. Mitchell, of Loveland, OH; Capt Eric A. Jones, of Westchester, NY; CPL Gregory M.W. Fleury, of Anchorage, AK; PFC Kimble A. Han, of Lehi, UT; SPC Eric N. Lembke, of Tampa, FL; SPC Kyle A. Coumas, of Lockeford, CA; SSG Bradley Espinoza, of Mission, TX; LCpl David R. Baker, of Painesville, OH; SPC Michael A. Dahl Jr., of Moreno Valley, CA; PFC Daniel J. Rivera, of Rochester, NY; PFC Brandon M. Styer, of Lancaster, PA; SPC Daniel C. Lawson, of Deerfield Beach, FL; SPC Jesus O. Flores, Jr., of La Mirada, CA; SSG Glen H. Stivison, Jr., of Blairsville, PA.

SPC Anthony G. Green, of Matthews, NC; SSG Chris N. Staats, of Fredericksburg, TX; SGT Christopher M. Rudzinski, of Rantoul, IL; SSgt Aaron J. Taylor, of Bovey, MN; LCpl Alfonso Ochoa Jr., of Armona, CA; SPC George W. Cauley, of Walker, MN; SFC Kenneth W. Westbrook, of Shiprock, NM; SPC Kevin O. Hill, of Brooklyn, NY; PFC Kevin C. Thomson, of Reno, NV; SPC Stephan L. Mace, of Lovettsville, VA; SPC Christopher T. Griffin, of Kincheloe, MI; SGT Michael P. Scusa, of Villas, NJ; SGT Joshua J. Kirk, of South Portland, ME; SGT Joshua M. Hardt, of Applegate, CA; SGT Justin T. Gallegos, of Tucson, AZ; SSG Vernon W. Martin, of Savannah, GA; MAJ Tad T. Hervas, of Coon Rapids, MN; PFC Alan H. Newton Jr., of Asheboro, NC; CPT Benjamin A. Sklaver, of Medford, MA; SPC Paul E. Andersen, of Dowagiac, MI.

SSG Thomas D. Rabjohn, of Litchfield Park, AZ; SPC Brandon A. Owens, of Memphis, TN; SGT Aaron M. Smith, of Manhattan, KS; SGT Roberto D. Sanchez, of Satellite Beach, FL; SGT Ryan C. Adams, of Rhinelander, WI; SPC Russell S. Hercules Jr., of Murfreesboro, TN; SSG Jack M. Martin, III, of Bethany, OK; SFC Christopher D. Shaw, of Markham, IL; SSG Alex French, IV, of Milledgeville, GA; SPC Ross E. Vogel, III, of Red Lion, PA; LCpl Jordan L. Chrobot, of Frederick, MD; SPC Kevin J. Graham, of Benton, KY; SPC Joseph V. White, of Bellevue, WA; SGT Edward B. Smith, of Homestead, FL; SGT Titus R. Reynolds, of Columbus, OH; LCpl John J. Malone, of Yonkers, NY; PFC William L. Meredith, of Virginia Beach, VA; TSgt James R Hornbarger, of Castle Rock, WA; SGT David A. Davis, of Dalhart, TX.

SPC Damon G. Winkleman, of Lakeville, OH; SPC Corey J. Kowall, of Murfreesboro, TN; SPC Michael S. Cote Jr., of Denham Springs, LA; SrA Matthew R. Courtois, of Lucas, TX; PFC Jeremiah J. Monroe, of Niskayuna, NY; SSG Joshua M. Mills, of El Paso, TX; SFC Shawn P. McCloskey, of Peachtree City, GA; SFC Bradley S. Bohle, of Glen Burnie, MD; SGT Robert D. Gordon, II, of River Falls, AL; 1LT David T. Wright, II, of Moore, OK; SGT Andrew H. McConnell, of Carlisle, PA; SPC Demetrius L. Void, of Orangeburg, SC; SSgt Bryan D. Berky, of