does this mean? Why should we care? In the brief moments remaining, I will address why the American people should care and why we should care.

We have too often seen an unelected, lifetime-tenured judiciary make decisions based on dubious constitutional grounds that would never enjoy the support of the vast majority of the American people. Just one that comes to mind is a recent ruling of the Ninth Circuit Court of Appeals saying that the words ''under God'' in the Pledge of Allegiance may not be uttered in classrooms because it violates the first amendment separation of church and state.

That does not make any sense. It certainly cannot be the law. Yet we have lifetime-tenured judges who are stating that as if it were the law. Thank goodness that decision will be reviewed, and I hope expeditiously reversed, by the U.S. Supreme Court.

We have all sorts of strange things happening today. One recent article caught my attention: When current Supreme Court Justices in a recent speech said the decisions of other countries' courts should be persuasive authority in America's courts when interpreting what our law is, we ought to look to the law of the European Union or other countries, perhaps, to guide these American judges in interpreting American law and the American Constitution. Justice Breyer recently found useful, in interpreting the American Constitution, decisions by the Privy Counsel of Jamaica and the Supreme Courts of India and Zimbabwe. Later, Justice Kennedy of the United States Supreme Court cited a decision of the European Court of Human Rights in a decision handed down this month. Justice Ginsburg, joined by Justice Breyer, cited a decision by the International Convention on the Elimination of All Forms of Racial Discrimination in a recent case. It goes on and on.

Anyone who is paying attention to what Federal judges are doing today and what they view in terms of their obligation to interpret the law have to ask the question: What is going on? What would James Madison, Alexander Hamilton, Thomas Jefferson—what would our Founding Fathers say about what is happening in our Federal Judiciary today? We all know the answer. They would be shocked. We should be shocked as well.

Finally, this is an important debate because this determines what kind of country we are and what kind of country we will become. My hope and prayer is that in the intervening 2 months, when we come back, this debate will take on a new civil tone, we will deplore and avoid these tactics of the past and embrace the fresh start we so earnestly sought just a few short months ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

UNEMPLOYMENT COMPENSATION

Mr. LEVIN. Madam President, after the Senate adjourns for the year, the plan is for the Senate to reconvene on January 20 of next year. Unless Congress acts to extend Federal unemployment benefits, the so-called Temporary Extended Unemployment Compensation Program, before we adjourn, hundreds of thousands of unemployed Americans face the holidays with the prospect of losing their unemployment benefits on January 1. This lack of action would put us in exactly the same situation as last year: going home to our loved ones without helping jobless Americans during the holiday season.

At a minimum, we should extend the current Federal Unemployment Assistance Program for 6 months. At a minimum, we should stand by America's workers and help the unemployed during this holiday season.

According to the Center for Budget and Policy Priorities, in January, about 90,000 current unemployed workers are likely to exhaust their regular State benefits each week. Absent congressional action, starting January 1 next year, workers who exhaust their regular State benefits will no longer be eligible for the additional Federal benefits. The only people who will continue to receive those benefits will be those who have begun to receive their Federal benefits by January 1.

This chart shows where we are in terms of the Federal benefits. In the recession of 1974–1975, there were Federal benefits accumulating to 29 weeks. That is in addition to the 26 weeks of State benefits. In the 1981–1982 recession, again, 29 weeks of Federal benefits. In the 1990–1991 recession, 26 weeks of Federal benefits. Currently, until December 31 of this year, there will be 13 weeks of Federal benefits that are offered in addition to the 26 weeks in each of our States. That is what will disappear December 31.

This is a very modest program we have going. This is half of what we have done in the prior two recessions in terms of Federal benefits, slightly less than half of what we did in the recessions of 1974–1975 and 1981–1982, but exactly half of what we did in the 1990–1991 recession.

Currently, we only have 13 weeks of Federal benefits. This is going to run out on December 31 unless we act before we leave.

Some contend the issue of whether or not to extend the program and in what form can be dealt with when we return on January 20. I believe, however, by the time January 20 rolls around, it is going to be too late. In fact, we know it will be too late for thousands of unemployed who will have exhausted their benefits. So action is needed today. It is needed now or else this Federal benefit program, which is a modest program—again, I emphasize, half of what we have done in prior recessions—unless this is reauthorized today, it is going to run out and hundreds of thousands of unemployed Americans are going to see their benefits exhausted without the benefit of the Federal program.

In the month of January alone—this coming January—as many as 400,000 unemployed workers are going to exhaust their State benefits if we don't act.

The number of long-term jobless—that is the people who have been jobless 6 months or more—grew in October to over 2 million workers for the first time since this recession began. That represents an increase of over 700,000 workers compared to March 2002 when the current Federal unemployment program was most recently authorized.

The Federal extended benefits program which was implemented in the last recession did not end until the economy had added nearly 3 million jobs to the prerecession level. The current unemployment program is scheduled to end, although there are 3 million fewer private sector jobs than when this recession began.

Renewing this Temporary Emergency Unemployment Compensation Program, this Federal benefits program, is essential under these circumstances. The comparison on this chart is dramatic between what we did in prior recessions and this recession.

In prior recessions, we had twice the level of Federal benefits as we do now. We have a modest 13 weeks, half the level, and in the prior recession we waited to end the Federal program until millions of new jobs had been created.

Unless we act today, we will have lost 3 million jobs and still will be ending a Federal program which is so critically essential to those people who are unemployed.

The Department of Labor's announcement that 125,000 jobs were created in October and that the unemployment rate dropped to 6 percent, the first decline since I don't know how long—I don't have the exact date here, but in a long time—presents a glimmer of hope. It is a glimmer of hope at least in some places, but in my home State of Michigan the unemployment rate is 7.6 percent.

We, like most other States, are very dependent upon a minimum level of unemployment benefits. It would be unconscionable for this Congress to leave without renewing this program.

Factory employment in America declined for the 39th consecutive month by eliminating approximately 24,000 manufacturing jobs. So even though we had that slight increase in jobs in October, for the first time really, we are seeing a slight up-tick in the total number of jobs. We have at least some jobs being created. In the manufacturing sector, for the 39th consecutive month, we lost tens of thousands of manufacturing jobs.

America's manufacturing core has shed an average of over 50,000 jobs a month for the last 12 months. These manufacturing jobs, which build and sustain America's middle class, are disappearing. A total of over 2.5 million

manufacturing jobs have been lost in the last few years. These are jobs that are good paying jobs, provide good health benefits and good retirement security. We simply cannot afford to let these jobs leave our country or be lost for good.

In the meantime, while we are fighting the battle for manufacturing jobs, we should not go home for the holidays having failed to act to maintain the very modest Federal unemployment benefits program. I know there are many in this body who are determined to see us have the opportunity to act to extend this program before we leave for the recess.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. 1839

Ms. CANTWELL. Madam President, I rise to echo the comments of the Senator from Michigan. I think it critically important that Congress not adjourn for the year without addressing unemployment benefits for Americans who, unfortunately, have been out of work for some time now.

The Senator from Michigan is very conscious of the fact that his State, with 7.6 percent unemployment, has not seen much economic relief in this jobless recovery. I can tell him that the State of Washington has seen very little relief, as we are at 7 percent unemployment rate. The States around us—Oregon is at 7.6 percent unemployment; Alaska is at 7.3 percent unemployment—also continue to suffer.

The Pacific Northwest has been very hard hit by the downturn in our economy. While some people would like to say that is part of the process, I would argue that losing jobs in the aerospace industry after 9/11—35,000 jobs just at Boeing alone—is no fault of individual workers.

I guarantee you, individual workers in my State would rather have a paycheck than an unemployment check. But if they are not getting an unemployment check, if they do not have the ability to take care of mortgage payments and other bills, it affects our overall economy. That is why for a long period of time, not only have people believed that those who pay into unemployment benefits should get a package for taking care of them during downturns in our economy but they also think unemployment benefits are a great stimulus for an economy that is sagging.

My colleagues on the other side of the aisle continue to refuse to bring up an extension of unemployment benefits. That means by that December 31 of this year, some 90,000 unemployed people per week will exhaust their regular benefits. That means in the first 6 months of 2004 there may be as many as 2 million people affected by this loss of benefits.

This issue is so important to me because we were in this same situation last year. This side of the aisle said, given that this country has lost so many jobs, we must do something to take care of laid off workers. We must extend the Federal unemployment benefits program. We were successful in convincing the Senate, with Senator NICKLES' help, to pass a bill out of the Senate extending unemployment benefits, but the Republicans in the House refused to take up the measure and people in my State were without unemployment benefits at the end of the year.

If somehow my colleagues think that people didn't make very tough decisions because we left them without any guarantee that the program would continue, they did. I had constituents who took money out of their pension plans—at a 30 percent penalty—at the end of December to live on because they thought their benefits had been exhausted. They were forced to trade off long-term security for short-term economic need, only because the Federal Government did not stand up and do its job.

We had a similar situation in the 1990s in which we had high unemployment. What did we do to act responsibly? For 30 months, the Federal program offered to unemployed Americans a richer benefit than we are offering today—20 weeks in the 1990s, compared to 13 weeks today. Well, guess what was different in the 1990s. During that time period, 2.9 million net jobs were created. Since this recession started, we've lost 2.4 million jobs.

The 1990s recession covered both a Republican administration—the first Bush administration—and a Democratic administration. Both those administrations committed—for 30 months, and with a richer Federal program of 20 weeks—to take care of Americans until this economy recovered. As the economy recovered and 2.9 million new jobs were added, then we ended the program.

How do our actions today compare to that recession? Well, we have only had 22 months of this program, so it has not lasted as long as the previous program of Federal unemployment benefits. It has been 8 months shorter. The benefits are less, only 13 weeks instead of 20. So it is not as rich a program.

The bottom line is what has happened to our jobs during the time period. In this time period, instead of adding 2.9 million jobs, we have actually lost 2.4 million jobs. So if the argument is that it's time to stop the Federal extension program when new jobs have been created and Americans are going back to work, then obviously 22 months has not been enough. People are not going back to work. We have lost 2.4 million jobs. If somebody thinks it is time to cut off this program, they are dead wrong. To do this, going into the holiday season, is just like giving American workers a lump of coal in their stocking. It's like saying, no, thank you, for the hard work you have provided to American companies in the past and for paying into the unemployment insurance system.

It is totally irresponsible for us, as a legislative body, to pass all of these tax cuts for the wealthiest Americans, do all of these programs for special interests, give subsidies, and then leave American workers without the benefit program that was designed to help them in economic downturns.

This is not a Republican or Democrat issue. We have had a Republican administration and a Democratic administration—the first Bush administration and the Clinton administration—who said this is a great policy, but somehow this policy is now falling on deaf ears. During the 1990s, when we ran this program for 30 months at richer benefits, we had an improvement in the unemployment rate of 1.2 percent before we ended the program. It was yet another sign, in addition to the 2.9 million net jobs added that it was time to end the program.

As I said earlier, we have lost 2.4 million jobs during this time period and the unemployment rate has improved less than 1 percent—only .4 percent. So we do not have the data, we do not have the evidence that things are getting better. And yet somehow now, even though we cannot demonstrate that things are really getting better for workers, some people on the other side of the aisle want to hedge their bets and say, too bad for you. And they want to say this at the end of the year the holiday season, when people are making some of their most important financial decisions and expenditures.

I think it is outrageous. It is outrageous that this body is so cold hearted to the hard-working men and women of America. Let's remember how we got into this situation. Through no fault of their own, and in particular for New York and Washington State, resulting from the unfortunate circumstances of 9/11 and downturns of specific industries as a result of that—laid-off workers are being left high and dry.

Somehow we want to put American workers out in the cold just because a very tragic event happened to us at the national level? We do not want to say to those companies and to those individuals, we understand the hard economic times they have fallen on? That is what the Federal unemployment extension program is about.

There are additional reasons we are crazy not to extend this program. One is that we have yet to see the economic results we want. Unemployment insurance is an economic stimulus. For every dollar spent on unemployment benefits, it generates $2.15 of economic stimulus. I argue that one of the best economic stimulus programs we have had in the last 22 months has likely been Federal unemployment benefits. These benefits have allowed millions of Americans to make their house payments, to pay their medical bills, to