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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our guard and guide, we thank You for this new day with its opportunities for noble service. As our lawmakers open their hearts to You, may they sense that Your presence is as pervasive in statecraft as in religion. Illuminate their finite minds with Your eternal light, giving them wisdom beyond their own. In their daily lives, may they validate the faith of the faithful who have gone before them, as You sustain them by the radiant vision of the ultimate triumph of Your Kingdom. Lord, remind them that some problems You will not solve until they are ready to be used by You in working out the solution.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 1, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the budget resolution. Under an agreement reached last evening, 20 hours of statutory time remains, with the time equally divided between the minority and the majority. Rollcall votes are expected to occur throughout the day. Senators will be notified as soon as votes are scheduled.

As a reminder, when all statutory time expires on the budget resolution, additional amendments can be offered and immediately voted upon. Therefore, Thursday's session could extend into the night.

The two managers of the bill, Senator CONRAD and Senator GREGG, have gone through this process many times. It is my understanding that they have suggested to me and Senator McCONNELL that we start voting sometime this afternoon. There could be as many as 10 votes at that time. We will continue working with the managers. I will notify and communicate with the Republican leader throughout the day.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE BUDGET

Mr. McCONNELL. Mr. President, throughout this debate, Republicans have shown that this budget spends too much, taxes too much, and borrows too much. At a time when many are struggling just to get by, Democrats in Congress want to enact the largest tax increase in history, including a national energy tax that could cost every American household up to \$3,100 a year. They want to double the national debt in 5 years and triple it in 10. And they want to increase nondefense spending so much that the Government would have to hire up to 250,000 bureaucrats just to get the money out the door. Let me say that again. The Government would have to hire up to a quarter of a million bureaucrats just to get the money out the door. This is not the type of job creation Americans have been hoping for, and this was not the budget Americans wanted. Rather, they are demanding that Republicans and Democrats work together to craft a budget that lets them keep their hard-earned wages, spend their tax dollars wisely, and does not saddle their children and grandchildren with mountains of debt.

Republicans have tried to work with Democrats to pass such a budget by offering amendments that reflect the views of most Americans and soon will sponsor a series of amendments to prevent tax increases on individuals, families, and businesses. The junior Senator from Texas, for example, has an amendment that would make it significantly harder to raise taxes on small businesses. The President has noted repeatedly that small businesses are at the heart of the American economy, are responsible for half of all private sector jobs, and have created roughly 70 percent of all new jobs in the past decade. Republicans will propose an amendment by the junior Senator from Nevada which would make it significantly harder to raise taxes on couples making less than \$250,000 a year.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Americans are worried about tax hikes. They are also worried about the colossal amount of debt this budget would leave to our children. This budget proposes to borrow an equivalent amount of money in the next 5 years to all of the money the Government has borrowed from 1789 to January 20, 2009. So the senior Senator from New Hampshire sponsored an amendment to require a supermajority to adopt any budget resolution that would more than double the entire public debt cumulated from 1789 to January 20, 2009. The Democrats rejected that amendment.

In other efforts to control debt and curb Federal spending, Republicans will offer a number of additional amendments, including another amendment from the senior Senator from New Hampshire that would take the first step toward the creation of a bipartisan task force to confront the Nation's long-term deficits; an amendment from the senior Senator from South Carolina that would help to ensure that Social Security remains a self-sustaining, solvent program; an amendment from the senior Senator from Idaho that would take the Democratic spending levels and try to ensure spending does not exceed those levels. Republicans will sponsor further amendments that would correct many of the other problems with this budget.

Additionally, Republicans have resisted efforts to fast track major policy changes through reconciliation. The junior Senator from Nebraska has offered an amendment that would prohibit the use of this rule in connection with a national energy tax. Some Democrats said they do not support using reconciliation for this legislation. We will insist on having a vote on the Johanns amendment.

These Republican proposals should have the support of Senators on both sides of the aisle. We should all want to cut the massive taxing, borrowing, and spending in this budget.

The budget debate is always one of the most clarifying weeks of the year. Rarely do the American people get to see the differences between the two parties as clearly as they do during this debate. Rarely has the difference been so stark.

UNIVERSITY OF LOUISVILLE LADY CARDS

Mr. MCCONNELL. Mr. President, on another subject and admittedly a lighter note, I rise today to pay tribute to a group of young women from the University of Louisville who reached an amazing milestone this week. The U of L Lady Cards made basketball history with their first NCAA Final Four trip.

The Lady Cards, coached by Jeff Walz and led by All-American Angel McCoughtry and senior forward Candyce Bingham, are heading to St. Louis this weekend to play in the women's NCAA Final Four.

Today, I wanted to recognize this history-making team. The Lady Cards had

an amazing season, and it is not over yet. On Sunday, they will face Oklahoma, with the winner advancing to the final game on Tuesday.

This has been a fun team to watch this season. Their style of play will inspire future generations of Lady Cardinals. I am sure there are a lot of young athletes in Kentucky who look up to the home team and will be cheering them on to victory this weekend.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the players and coaches.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF LOUISVILLE WOMEN'S BASKETBALL ROSTER

Gwen Rucker, Becky Burke, Candyce Bingham, Janae Howard, Tiera Stephen, Mary Jackson, Laura Terry, Monique Reid, Angel McCoughtry, Chauntise Wright, Keshia Hines, and Deseree Boyd.

UNIVERSITY OF LOUISVILLE WOMEN'S BASKETBALL COACHES

Head Coach Jeff Walz, Assistant Coaches Stephanie Norman, Michelle Clark-Heard and Bethann Shapiro Ord and Director of Basketball Operations, Becky Bonner.

Mr. MCCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

Pending:

Johanns amendment No. 735, to prohibit the use of reconciliation in the Senate for climate change legislation involving a cap-and-trade system.

Lieberman amendment No. 763, to protect the American people from potential spillover violence from Mexico by providing \$550 million in additional funding for the Department of Homeland Security and the Department of Justice and supporting the administration's efforts to combat drug, gun, and cash smuggling by the cartels, by providing \$260 million for Customs and Border Protection to hire, train, equip, and deploy additional officers and canines and conduct exit inspections for weapons and cash; \$130 million for Immigration and Customs Enforcement to hire, train, equip, and deploy additional investigators; \$50 million to Alcohol, Tobacco, Firearms and Explosives to hire, train, equip, and deploy additional agents and inspectors; \$20 million for the Human Smuggling and Trafficking Center; \$10 million for the Office of International Affairs

and the Management Directorate at DHS for oversight of the Merida Initiative; \$30 million for Operation Stonegarden; \$10 million to the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Program, to support state and local law enforcement participation in the HIDTA Program along the southern border; \$20 million to DHS for tactical radio communications; and \$20 million for upgrading the Traveler Enforcement Communications System.

Alexander amendment No. 747, to create runaway debt point of order against consideration of a budget resolution that projects the ratio of public debt to GDP for any fiscal year in excess of 90 percent to ensure the continued viability of the U.S. dollar and prevent doubling or tripling the debt burden on future generations.

Sessions amendment No. 772, to restore the budget discipline of the Federal Government by freezing nondefense discretionary spending for fiscal years 2010 and 2011, and limiting the growth of nondefense discretionary spending to 1 percent annually for fiscal years 2012, 2013, and 2014.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in the ongoing debate about the fiscal condition of the country, we have heard once again the finger pointed at President Obama. President Obama did not create this economic collapse. He has only been President about 3 months—less than 3 months. This is not his concoction, nor are the deficits and debt piled up by the previous administration his responsibility.

President Obama inherited a colossal mess—a debt that was doubled during the previous administration, foreign holdings of U.S. debt that were tripled during the previous administration, and an economic collapse unparalleled since the Great Depression. In addition to that, he inherited two wars.

President Obama is striving mightily to get us moving back in the right direction. His budget, especially the first 5 years of his budget, which emphasizes reducing our dependence on foreign energy, a focus on excellence in education, fundamental health care reform, all the while cutting the deficit by more than half and extending the middle-class tax cuts from 2001 and 2003, has exactly the right priorities for the country.

When I hear criticism of President Obama, I must say it is badly misplaced. Our friends on the other side who complain about the fiscal condition of the United States should look in the mirror because they were there as silent sentinels when the previous administration stacked up this record debt, these record deficits, and plunged this country into a deep economic decline. That is their responsibility. President Obama is in on the cleanup crew, and a remarkable job he is doing.

We now are prepared to enter into an order for the next several amendments: Senator CASEY to be recognized for 10 minutes; then Senator GREGG or his designee for 1 minute; Senator ENSIGN for an amendment, 15 minutes on his side, 15 minutes for the chairman of the Budget Committee or his designee;

then we will go to an amendment by Senator KERRY, who is seeking 15 minutes and will reserve just 1 minute in opposition or to comment. Is that OK with the Senator from New Hampshire?

Mr. GREGG. Yes.

Mr. CONRAD. I think we are prepared to move forward on those three at this point.

Mr. GREGG. Mr. President, we still have to work on this, but I would like to be recognized to offer an amendment after Senator KERRY completes his amendment.

Mr. CONRAD. It will be our intention—we need to work out times and have a chance to look at the amendment—that Senator GREGG would go after that. Our intention is to have a tranche of votes at 2:30 this afternoon. So far, that would involve a vote on the Alexander amendment offered yesterday, the Lieberman-Collins amendment offered yesterday, the Sessions amendment offered yesterday, and then, of course, the pending amendments—Casey, Ensign, Kerry, a potential for Johanns, and a side-by-side from yesterday. We still have that to resolve. And potentially Senator GREGG as well.

With that, Senator CASEY is up.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

AMENDMENT NO. 783

Mr. CASEY. Mr. President, I rise for two purposes: the first on an amendment, and then I want to speak on the budget as well.

First, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 783, the Casey amendment on funding the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 783.

Mr. CASEY. Mr. President, I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

(Purpose: To establish a reserve fund to fully fund the Long-Term Stability/Housing for Victims Program)

At the end of title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO FULLY FUND THE LONG-TERM STABILITY/HOUSING FOR VICTIMS PROGRAM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence serv-

ice providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CASEY. Mr. President, earlier this month I had the honor of chairing the advisory board and participating in the release of a report by the National Center on Family Homelessness that focused on the increasing number of children that are homeless in our country.

The report is titled "America's Youngest Outcasts"—a very appropriate title and a heartbreakingly accurate one.

There are many very harmful consequences of homelessness for children. But first I want to emphasize the nexus between domestic violence and homelessness—and the reason why I am offering this amendment.

Mr. President, this budget amendment creates a deficit-neutral reserve fund for the Long-Term Stability/Housing for Victims Program, which is authorized under the Violence Against Women Act, and I am offering this amendment because I wanted to highlight two very serious problems in this country. First of all, the relationship between domestic violence and homelessness and the obvious impact that both of these issues have on women and children in America; and in particular the high number of women and children who are fleeing abusive situations who then become homeless.

This program, under the Violence Against Women Act, will help substantially to improve the lives of women and children in America who become both victims of domestic violence and then become victims because they are homeless as a result of that.

I want to defer further review of that for now because I want to move to the second part of my remarks which focus on the budget, and in particular the issue of health care.

As we know from the budget offered by President Obama, these are his priorities in that budget: First of all, the creation of jobs, the focus on health care—which I will speak of in a moment—energy independence, and education. Two items not on that list are deficit reduction, to cut the deficit in half over the next couple of years, and, secondly, tax cuts—over \$800 billion in tax cuts set forth in the resolution that we are considering before the Senate.

At this point I will go to a second chart that very simply puts forth a headline from the Reading Eagle newspaper in Reading, PA, dated February 9 of this year: "Tilden Township Woman Tends To Baby Born Hours After Her Husband's Death," and then there is a very brief introduction:

Just after noon on Thursday, Trisha Urban's husband, Andrew D. Urban, died. Less than nine hours later, she gave birth to their first child, Cora Catherine.

Andrew Urban was just 30 years old, Mr. President. It is hard to describe the situation Trisha Urban was facing that day. Literally, at the same time she was watching her husband die, she was being rushed to the hospital to have their first child.

Let me read one excerpt from a letter she sent to me. Here is how her first paragraph concludes:

Two ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

She goes on to say in the letter:

Because of preexisting conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance. I worked four part-time jobs and was not eligible for health benefits.

Later in the letter she talks about the insurance company dropping the coverage for her family.

We were left with close to \$100,000 worth of medical bills. Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than 1 month ago.

And, of course, we know what happened next—her husband died and her baby was born.

Those words and this story tell us all we need to know about the challenge of health care—the challenge that is presented to the Senate, the Congress, and the country. We cannot fail to do something about this issue this year; not 2010, not 2011, or down the road. We have to address this issue this year. I am glad the President has made this a priority, and I am glad that Chairman CONRAD has as well.

I want to read Chairman CONRAD's words, the chairman of our Budget Committee, when he talked about not just the importance of health care but the connection between health care and fiscal responsibility in our budget. When he was releasing the budget resolution, Chairman CONRAD said, in part:

Reforming our Nation's health care system is essential to ensuring our long-term fiscal stability and economic strength, in addition to the well-being of our citizenry. Soaring health care costs are the biggest source of the projected explosion in Federal debt in our long-term budget outlook. Rapidly rising health care costs make it harder for our businesses to compete globally, while putting a tremendous strain on family budgets.

That is the challenge we have from a fiscal point of view if we don't do anything about health care. But let's talk about costs and families—rising costs and struggling families.

This chart is very simple. The orange line, of course, is the rise in health insurance premiums from 1999 to 2008, a very dramatic and unambiguous upward spike. The two lower lines, the light blue and the red, depict workers' earnings, which have been, at best, near flat in that time period. Then overall inflation is at about the same level, so a 34-percent increase in wages at the same time health care premiums are up 119 percent.

Going to the next chart, the insurance status of Americans under the age of 65, you can see from that number we have 86 million Americans, according to a recent report, who at some period of time in 2007 and 2008 had no health insurance. I might add those 86 million people, most of them, almost 70 percent of them, didn't have health care for at least 6 months.

Finally, we go to the employment status of people in Pennsylvania—those who are uninsured. As you can see from this chart, more than three-quarters of the people in Pennsylvania who are uninsured are employed. So we are talking about working families not having health insurance. That won't come as news to people across the country.

This really, when you get down to it, is not about these charts or numbers. In the end, it is about people. It is about Trisha Urban and her family and the horror they faced when her husband, the father of her child, died at the very moment of birth of that child, but it is also the horror of people who face a health insurance crisis that is literally, in some cases, about life and death and about whether they will survive.

Just consider this: Consider the costs we are talking about in terms of the causes of death. The leading cause of death for Americans between the ages of 55 and 64 are, No. 1, heart disease; No. 2, cancer; but No. 3, in that age category, no insurance—the cause of death, not just a problem, not just a crisis, but literally the third leading cause of death in that age category. So that is what we are talking about.

Finally, when we consider the challenges that families face, this is also about a lot of small businesses. I am noting that in Pennsylvania we have a strong tradition of making sure we support our small businesses. One of the companies our office worked with is Bingaman & Son Lumber Company. They have been in business 40 years, with 250 people employed, and they prided themselves on covering 80 percent of their employees' medical and prescription drug costs. In December, Bingaman & Son Lumber was notified that due to high medical bills the company would have to increase their premiums by 37 percent.

We were able to work with them to provide some relief. But, again, this points to the crisis in families but also the crisis in small businesses—a 37-percent increase in their premiums.

Finally, Mr. President, I want to highlight President Obama's principles for health care reform. They are very simple, and I will go through them quickly. We know what they are: protecting families' financial health, just as we spoke of today; making health care affordable; aiming for universality, or covering everyone, which has to be our objective; portability of coverage, so in the case of the Urban family moving or changing jobs, it would not lead to a problem with

health insurance which could have been prevented; guaranteed choice; investment in prevention and wellness, and we know the importance of that; improving patient safety and quality care; and, finally, maintaining long-term fiscal sustainability, or stability, as our chairman has made a major priority of the budget resolution.

In conclusion, Mr. President, I would ask that we stay focused on this issue, not just in this budget resolution but well beyond the debate on the budget. And I want to come back to Trisha Urban. At the end of her letter to me, she said the following:

I am a working class American and do not have the money or the insight to legally fight the insurance company. I will probably lose my home, my car, and everything we worked so hard to accumulate in our life will be gone in an instant. I am willing to pay the price of losing everything.

So, Mr. President, as I conclude, I would ask all of us in the Senate who are debating this budget and wondering what is going to happen on the issue of health care this question: What price will we be willing to pay to make sure health care reform becomes a reality? The first step in that goal is passing a budget resolution which makes health care a priority.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 804

Mr. ENSIGN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 804, an amendment to protect middle-income taxpayers from tax increases.

The ACTING PRESIDENT pro tempore. Is there any objection?

Hearing no objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 804.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows: (Purpose: To protect middle-income taxpayers from tax increases by providing a point of order against legislation that increase taxes on them, including taxes that arise, directly or indirectly, from Federal revenues derived from climate change or similar legislation)

On page 68, after line 4, insert the following:

SEC. ____ . POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not

be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) includes a Federal tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE-INCOME TAXPAYERS.—The term “middle-income taxpayers” means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022 (b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) FEDERAL TAX INCREASE.—The term “Federal tax increase” means—

(A) any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal tax; or

(B) any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CONRAD. Mr. President, through the Chair to the distinguished Senator from Nevada, would he yield for a unanimous consent request?

Mr. ENSIGN. I will, without losing my right to the floor.

Mr. CONRAD. Absolutely.

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

Mr. CONRAD. I apologize to the Senator. We thought we had entered a unanimous consent request. It was taken as more of a statement of times rather than a unanimous consent request. We need to get that fixed; otherwise, we could have a long delay here.

Mr. President, I ask consent the Ensign amendment we are on now—I ask unanimous consent Senator ENSIGN have 15 minutes and it be 15 minutes for the chairman of the Budget Committee or his designee; then we would go to the Kerry amendment, 15 minutes for Senator KERRY, 5 minutes for time in opposition; then the Cornyn amendment, 15 minutes for Senator CORNYN, 15 minutes for the chairman of the committee or his designee; then the Lincoln amendment on National Guard, 10 minutes for Senator LINCOLN and 5 minutes in opposition; then we would go to the Gregg amendment, 15 minutes for Senator GREGG and 15 minutes for the chairman of the committee or his designee. I ask unanimous consent that we agree to that order.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. The Senator from Nevada.

Mr. ENSIGN. Mr. President, if I tried to imagine the worst policy we could pursue during this time of economic duress, when jobs are being shed from the economy, the worst policy would be to raise taxes on individuals and businesses.

Every single day, we are buried in the news of our economic turmoil. Thousands more are laid off, home foreclosures are reaching new highs, property values are dipping to new lows, more businesses are shutting their doors, and Americans are struggling to pay for life's essentials. Therefore, what we should be discussing is extending tax relief for individuals and families, and even going further to encourage savings and investment that generates jobs and security.

Framed within this context, President Obama has promised not to raise taxes on individuals making up to \$200,000 and for families who make up to \$250,000. In his address to Congress, he said:

But let me [be] perfectly clear, . . . if your family earns less than \$250,000 a year, you will not see your taxes increased a single dime. I repeat, not one single dime.

That was the quote from the President of the United States. The President did not say I will not raise income taxes one single dime. He said "taxes," period. He did not define direct, indirect—he said "not one single dime will be raised in taxes."

That promise does not go far enough, in my view because, as we have discussed, many middle-income families could be hit by increased energy costs and other potential tax increases under this budget resolution. Still, the promise was made by the President and by other Democrats that those who make up to \$250,000 will not have their taxes raised, "not one single dime." I will be frank with my Democratic colleagues when I say that many people doubt they will live up to this promise. Many people making less than \$250,000 fear tax increases on them in the immediate future.

I believe we need to take action on this budget resolution that locks in place a commitment that Congress will not raise taxes on middle-income families. My amendment ensures that Congress and the President will keep this promise not to raise taxes on individuals making \$200,000 a year or families making \$250,000. If they decide to violate this promise, then they will be held accountable.

To achieve this objective, my amendment would create a new budget point of order against any legislation that would raise taxes on middle-income taxpayers, those individuals making less than \$200,000, and families making less than \$250,000. If the Democrats mean what they say about not raising taxes on families making up to \$250,000, then they should embrace my amendment as a way of accomplishing it.

I define tax increase broadly because I think families were promised "no tax increases" and they don't care whether those tax increases come directly or indirectly. My amendment would protect taxpayers against indirect tax hikes yet to be forced upon the public.

Under the budget proposals, Americans, even those married couples with incomes under \$250,000 and singles under \$200,000, would see higher electricity, gas, heating oil, and other energy prices. Americans would also see higher prices for other goods and services that are themselves affected by higher energy costs.

This is the Trojan horse—the national sales tax on energy. This is the indirect tax on people making less than \$250,000 a year. A recent MIT study, which modeled a national energy tax regime similar to President Obama's budget proposal, estimated that annual revenues as high as \$366 billion would come to the Federal Government. This equals tax increases of over \$3,100 per household per year in the United States. Higher energy costs under a national energy tax is not speculation. Candidate Obama acknowledged his plan would lead to higher energy prices. He said last year:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

The OMB Director, the President's OMB Director, Director Orszag, said in prepared testimony that "[u]nder a cap-and-trade program, firms would not ultimately bear most of the cost of the allowances but instead would pass them along to their customers in the form of higher prices . . . [T]he price increases would be essential to the success of a cap-and-trade program."

That was a direct quote from President Obama's OMB Director, admitting that these higher prices are going to get passed on to the American consumer. If you are raising cap-and-trade taxes, and that is not an indirect tax, I don't know what is. More than anything else in this budget, an energy tax poses perhaps the greatest risk to our economy and to middle income livelihoods. In addition, this amendment would also protect taxpayers against tax hikes yet to be developed by those who want to expand the role of the Federal Government.

Now is the time to protect middle-income Americans who are at risk from direct and indirect taxes. This amendment would be a good first step in locking the budget into a direction in which middle-income families are protected. Then we should work toward providing new tax relief instead of raising taxes. With the economy in such bad state, we should all be able to agree not to raise taxes. I urge all Members of this body to support this important amendment.

In conclusion, the energy tax that has been proposed, this cap-and-trade system, this national sales tax on energy. We did a hearing on this the other night. What people do not realize

is that not only do the electricity rates skyrocket as the President said, but gasoline and diesel prices go up significantly. That means transportation costs on your food go up significantly. That means you have to raise the price of food.

We had the fertilizer companies testifying before our committee. I didn't know that much about fertilizer before the testimony in front of the committee. It is amazing what a world commodity fertilizer is. The energy tax is going to destroy jobs in the fertilizer industry, but it will also raise prices of fertilizers in the United States. Guess what, to grow food you need fertilizer. If you pay more for fertilizer, you are going to pay more for food. That cost either has to be borne by hard-working farmers and their families or it is going to be borne by the consumer at the end.

The worst part of all this is that a national energy tax is the most regressive form of taxation there is because it hits those in the low- and middle-income categories much more severely as a percentage of their income than it does people at the top.

My amendment is critical for the President to keep his word on not raising taxes on individuals making up to \$200,000 a year or families making up to \$250,000 a year. My amendment will ensure that the President keeps not only his campaign pledge, but also what he pledged in his first address to Congress and to the American people when he took office after Inauguration Day.

I urge adoption of my amendment by all the Senators in this body. Let's move forward and protect middle-class, middle-income taxpayers in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, if I could get the attention of my colleague, I would be willing to take the amendment on a voice vote—oh, I am sorry. I have been advised that because of the way the amendment is structured, it gives specific instructions to the Finance Committee that we cannot do so in a budget resolution or the whole budget resolution is no longer privileged. We went through this last year, you may recall, with the Cornyn amendment. The same thing applies here.

I will be required to raise the defense of germaneness against the amendment. Let me say this, I support the amendment. I think it is the right signal to send. But the Parliamentarian has advised us that if I do not raise the defense of germaneness against the amendment, then the entire privileged nature of the budget resolution is at risk. I hope the Senator understands. It has nothing to do with the message the Senator is trying to send. What it has to do with is, as I understand it, the specific instructions to the Finance Committee that are contained in this amendment. That is beyond the power of the Budget Committee. We don't

have the authority to tell the committees of jurisdictions with specificity what they are to do with the allocations they are given. The power of the Budget Committee is to tell the committees what numbers they have to hit. We don't have the ability to tell them how to do it.

It is just like appropriators. We tell them how much money they have to spend. We do not have the authority to tell them how to spend it.

If I were able to make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CONRAD. Has the Parliamentarian had a chance to review the Ensign amendment?

The PRESIDING OFFICER. Yes.

Mr. CONRAD. Is this amendment defective in the way that I have described; that is, is it too prescriptive in terms of its language with respect to the Finance Committee and therefore would it put at risk the privileged status of the budget resolution itself?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. Let me inquire further. If I fail to raise the defense of germaneness against this amendment, that would put the budget resolution's privileged status at risk?

The PRESIDING OFFICER. If the amendment were to be adopted, it would put the privileged status at risk.

Mr. CONRAD. So if I raise the defense of germaneness and I were to lose, that would put the privileged status of the budget resolution at risk?

The PRESIDING OFFICER. Will the Senator restate his inquiry.

Mr. CONRAD. Excuse me?

The PRESIDING OFFICER. Would the Senator restate his inquiry.

Mr. CONRAD. If I were to raise a point of order that the amendment is not germane for the reason we have discussed, and I were to lose that point of order, would the resolution be at risk in terms of its privileged status?

The PRESIDING OFFICER. It would.

Mr. GREGG. Only if it passes.

The PRESIDING OFFICER. It would.

Mr. GREGG. Mr. President, it would only be at risk if it passes?

The PRESIDING OFFICER. If the amendment were adopted, it would be at risk.

Mr. CONRAD. So let's be very clear. If I raise—first of all, I have to raise a point of order or the privileged status of the resolution is at risk; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. If I lose the point of order, the privileged status of the resolution is at risk?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Well, only if it is adopted.

Mr. CONRAD. Wait. I have the floor. I would ask the Senator from Nevada if it would not be possible for us to work together on alternative language

that would capture the intent of the Senator from Nevada but that would not put the budget resolution at risk.

Mr. ENSIGN. I would say to the Senator from North Dakota, we have worked on language with the Parliamentarian, trying to overcome this problem the Chairman is raising. The bottom line is, the intent of what we are trying to do is to make sure taxes are not raised on people making up to \$250,000 a year.

From what we understand from the Parliamentarian, there was not language we could draft that would fit the conforming factor with the budget resolution. So we were going to have to have a vote on waiving the germaneness.

Mr. CONRAD. Well the problem is, if the Senator proceeds, I am required to raise the point of order. If I fail to do so, the entire privileged status of the budget resolution is at risk. If I raise it and I lose, the privileged status of the budget resolution is at risk.

This, in effect—I do not think this is the Senator's intention, to threaten the entire budget resolution.

Mr. GREGG. Would the Senator yield on this point? If I might inquire of the Chair, "at risk" does not mean the resolution has necessarily gone over the level of being—of losing its privileged status?

This is, by the Chair's definition, a corrosive amendment. There would have to be a series of corrosive amendments to meet the point where the bill loses its status as privileged. One single amendment that is corrosive does not necessarily mean the bill has lost its privileged status. It simply means it is moving in the direction of being at risk of losing its privileged status; is that true?

The PRESIDING OFFICER. The Senator is correct with respect to this stage of the proceedings on this matter.

Mr. GREGG. So it is possible this amendment could pass. If passed, it would be—could be deemed corrosive but would not be deemed fatal to the privileged status of the bill?

The PRESIDING OFFICER. During this initial phase of consideration of the resolution, that is correct.

Mr. CONRAD. Mr. President, further parliamentary inquiry: So let's review because at least this Senator is getting a mixed message. Let's revisit this. If I fail to raise a point of order against the Ensign amendment, that threatens the privileged status of the resolution; is that correct?

The PRESIDING OFFICER. The adoption of the Ensign amendment would have a corrosive effect on the privilege of the resolution on the floor at this time. It would have a fatal effect if the language were to be retained in the conference report.

Mr. CONRAD. So let's revisit this once again. If I did not raise the point of order, in fact, supported the Ensign amendment, and it passed, as long as it did not come back from conference

committee, the privileged status of the budget resolution would be preserved?

The PRESIDING OFFICER. At this time, it would be corrosive. The cumulative effect of the adoption of such amendments could prove fatal.

Mr. GREGG. Mr. President, if I might inquire. But the amendment itself is not fatal?

The PRESIDING OFFICER. Not if it is adopted to the resolution at this phase.

Mr. KERRY. Mr. President, I wish to try and clarify that now because this has gone back and forth. What I understood you to say is—I wish to have this clear—if it passes now, it has a corrosive effect, but if it does not come back—if it comes back from conference committee, it would be fatal?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. If it does not come back from the conference committee, then the corrosive—whatever effect—is eliminated?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. All right. I think it is clear to all of us. I hope that is clear. Let me make one further parliamentary inquiry because I wish to make certain: If I fail to raise the point of order at this point against Senator ENSIGN's amendment, that has a corrosive effect, potentially corrosive effect, but it is not fatal?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. It would only be fatal if it came back from conference committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I wish to indicate it would be my intention to support the Ensign amendment. We will have a vote later on it. I would not oppose it. But I wish to make clear to my colleagues this exchange. Senator ENSIGN needs to know, I cannot bring this amendment back from conference because that would be fatal to the privileged status of the budget resolution. The Senator needs to offer this amendment knowing that full well.

I also wish to say to others who might have similarly crafted amendments, and I would ask the Parliamentarian at this time: If there were a series of amendments such as this one that were adopted here but did come back from the conference committee, would just the fact that a series of amendments such as this were adopted be potentially fatal to the privileged status of the budget resolution, even if they did not come back from conference committee?

The PRESIDING OFFICER. It is impossible to predict the ultimate corrosive effect. But there is a theoretical possibility it could exist.

Mr. CONRAD. It is not theoretical in the sense that we have another amendment coming very soon after this one that is the same. The Cornyn amendment, as I understand, has exactly the

same flaw. So we are going to have to go through this exercise again.

Mr. ENSIGN. Another parliamentary inquiry: It is true that when you say "fatal," that just requires 60 votes instead of 51 votes?

The PRESIDING OFFICER. If a measure loses its privileged status, when it is considered, it is fully debatable and could require 60 votes to invoke cloture.

Mr. ENSIGN. Further parliamentary inquiry: That would indicate, if they had 60 votes, they could pass the budget resolution even with this amendment in it? So it actually is not fatal, it requires a higher level of support from the Senate to pass it?

The PRESIDING OFFICER. It is fatal to the privileged status.

Mr. ENSIGN. But it does not kill the bill? The bill still could be passed with 60 votes, passing the other hurdles that are in the way; is that not correct?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. CONRAD. Mr. President, what is very clear is it is fatal to the privileged status of the budget resolution. Requiring 60 votes on a budget resolution, that is fatal. Let's be clear. We all know what this means.

I would ask to make a further parliamentary inquiry: Does it make a difference whether I offer the point of order against the Ensign amendment to the risk of the budget resolution, even if it does not come back in conference?

Am I clear? Let me restate this. If the Ensign amendment does not come back from conference committee, does the fact that I raise a point of order make a difference?

The PRESIDING OFFICER. Not if this does not come back from the conference committee.

Mr. CONRAD. Well, I wish to say this to Senator ENSIGN straight from the shoulder. I intend to support the amendment. I ask other colleagues to support the amendment because it is clear to me it will not be fatal to the privileged status of the budget resolution if it does not come back from conference committee.

But let me say this to the Senator very clearly: There is no way it is coming back from conference committee. I am not going to put the entire budget resolution at risk for that.

Mr. ENSIGN. Mr. President, one last comment. We clearly established that even if it was in the budget resolution, coming back from conference it would require 60 votes at that point if somebody raised the question of its privileged status. If that was the case, it would require 60 votes, and there it would require bipartisan participation.

I guess bipartisanship around here means it is fatal.

Mr. CONRAD. Well, I would say this. Let's deal with the reality. The reality is, I do not remember a budget resolution around here that has gotten 60 votes. So to make the privileged status fatal, to be fatal to the privileged sta-

tus is to be fatal to a budget resolution. That is the reality.

Mr. GREGG. Mr. President, as an aside, I think it is important to note the chairman has said this will not come back from the conference committee, which is interesting and informative. I think it is fair that he has said that. It reflects the influence the chairman has on the conference committee.

Therefore, I presume, since the chairman has said, relative to reconciliation, it should not occur in the Senate on the issue of health care or the carbon tax, national sales tax, that the chairman will use the same influence to assure us we will not see those matters come out of the conference committee.

In addition, I wish to ask a parliamentary inquiry: I understand there is a wall, not a wall of debt—although that also is involved in this bill—but there is a wall being built of corrosive activity, potentially, with a series of amendments that might be adopted on the floor that the Parliamentarian deems to be corrosive. At some point, there is the theoretical possibility, as the Chair has said, that you might even bring the budget resolution's privilege into issue on the floor.

I guess my question is: Why, if this is just one element of that wall, on the resolution as it reaches the floor, would it be definitive relative to the conference report?

In other words, why doesn't there have to be a series of amendments that are corrosive in order to make the conference report privilege fatal? Why would one amendment make the conference report fatal if it does not make the budget on the floor fatal, if the Chair understands the question?

The PRESIDING OFFICER. The conferees would have the opportunity, upon reflection, to remove corrosive matter from the conference report.

Mr. GREGG. I think my question was, to make it more succinct, if this were the only corrosive matter in the conference report and since it was not fatal to the budget resolution as a single corrosive matter on the floor, why would it be fatal to the conference report? Why isn't the conference report something that is subject to the same test of corrosiveness as the budget resolution is on the floor?

The PRESIDING OFFICER. The conferees would have the ability to reflect on the appropriateness of the matters sent to them.

Mr. GREGG. So is the Chair saying that it is possible—more than theoretical but possible—that this amendment in the conference report would not be fatal to the conference report's privilege but would simply be corrosive of that privilege and that the conference report could retain its privilege with this amendment in it, that that is a possibility?

The PRESIDING OFFICER. A very remote possibility.

Mr. GREGG. But not theoretical?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Is there any possibility that the resolution could be challenged prior to going to conference on the basis of its privilege and that it could lose its privilege prior to going to conference?

The PRESIDING OFFICER. Only on the accumulative effect of corrosive amendments.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague for his confidence in my ability to influence the outcome of the conference committee. I don't think it may extend as far as he may wish or as far as I might wish.

On a matter such as this, I don't see that there is any option. Many of us support the intent of the amendment of the Senator from Nevada. Unfortunately, it is drafted in a way that the Parliamentarian has described to us clearly. If it comes back from conference committee, in all likelihood that is fatal to the privileged status of the budget resolution. That is not a risk we can afford to take as conferees. I am confident the conferees will not permit that. At the same time, I don't want people voting against the amendment of the Senator on a technicality that then is misrepresented as their position on the underlying position contained in this amendment.

With that, we have used as much time as we need on this amendment. Senator KERRY is next.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 732

Mr. KERRY. I thank the distinguished Senator.

That was one of the more intriguing half hours we have spent in the Senate in a long time. I might add, it is sort of interesting that we are haggling about an amendment which raises one of those great red herrings on the subject of global climate change and cap and trade because we already have a cap-and-trade system in America. It is not an automatic tax increase. It is not going to, if properly structured, result in a tax increase. We like to tilt against goblins around here sometimes. This is one of those amendments that do that in a very political way.

I ask that amendment No. 732 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LUGAR, Mr. LEAHY, Mr. VOINOVICH, Mr. DURBIN, Mr. KAUFMAN, Mr. MENENDEZ, Mr. DODD, Mrs. FEINSTEIN, Mr. BROWN, Mr. SANDERS, Mr. LIEBERMAN, Mr. CASEY, and Mr. CORKER, proposes an amendment numbered 732.

Mr. KERRY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore full funding for the President's request for the international affairs budget, in support of development programs in Pakistan and Afghanistan, nuclear nonproliferation, foreign assistance, fighting global AIDS, promoting sustainable development, and other efforts, with an offset)

On page 10, line 20, increase the amount by \$4,000,000,000.

On page 10, line 21, increase the amount by \$1,896,000,000.

On page 10, line 25, increase the amount by \$1,104,000,000.

On page 11, line 4, increase the amount by \$476,000,000.

On page 11, line 8, increase the amount by \$272,000,000.

On page 11, line 12, increase the amount by \$116,000,000.

On page 27, line 23, decrease the amount by \$4,000,000,000.

On page 27, line 24, decrease the amount by \$1,896,000,000.

On page 28, line 3, decrease the amount by \$1,104,000,000.

On page 28, line 7, decrease the amount by \$476,000,000.

On page 28, line 11, decrease the amount by \$272,000,000.

On page 28, line 15, decrease the amount by \$116,000,000.

Mr. KERRY. Mr. President, over the first 9 years of this new century, we have learned a lot about national security. We learned the hard way in 2001. Since then, with two wars, one in Afghanistan and one in Pakistan, and also with the global economic crisis we face today, we understand the degree to which in a globalized world our problems are interconnected. Ultimately, our security is interconnected. We are currently endangered by weak states and failed states as well as by strong states because those weak and failed states become places where terrorism can flourish. We are endangered also by diseases that know no borders, by climate change half a world away. We are endangered when we allow chaos and crisis to create conditions for ideologies of radical hatred and violence to take root.

It is clear to all Members, who are, all of them, no matter what committee on which they serve, forced to think hard about how to protect our country, that it requires a lot more than just a strong military in order to provide that protection. It requires, above all, in this new world in which we live, a strengthened commitment to diplomacy and to development. To put this as simply and as bluntly as possible, that is why passing a robust foreign affairs budget is a matter not only of America's world leadership but also of our practical national security at home.

I call to the attention of my colleagues the words of Secretary of Defense Bob Gates spoken almost a year and a half ago in Kansas where he gave a speech while serving as President Bush's Secretary of Defense. What he said there is the following:

What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security—diplomacy, strategic communication, foreign

assistance, civic action, and economic reconstruction and development.

The other day, I was told the story of our National Security Adviser, former Marine Commandant Jim Jones, who was commenting how we have powerful, enormous ships off the shores of Lebanon, but Hezbollah is building schools and building homes and winning the hearts and minds of people in that divided and volatile country by doing so. In effect, he described a situation where, as powerful as our military is, we are not able to win the contest for ideas at the center of security issues today.

Secretary of State Hillary Clinton, our former colleague, testified in her confirmation the following:

The relatively small but important amount of money we do spend on foreign aid is in the best interests of the American people and promotes our national security and advances our interests and reflects our values.

When our soldiers and generals join our top diplomats in demanding increased civilian capacity and increased civilian funding, even in the midst of this economic crisis, that is when you know there is not only a growing consensus, there is a sense of urgency behind the strengthening of our civilian mission.

We just had an elaborate, long period where I think three studies were commissioned by President Bush, and then President Obama recommissioned another evaluation of what is happening in Afghanistan and Pakistan. It is clear that we cannot achieve our objectives unless we have the kind of robust budget in the foreign affairs account President Obama asked for. Regrettably, that is not what the budget resolution currently calls for, even when we add the supplemental budgets to it. It falls about \$4 billion short from the \$53.8 billion the President asked for.

I believe that returning diplomacy and development to their rightful place is not going to be achieved by talking about it. It is going to take money to drive civilian foreign policy. If it keeps us safer, and it is the consensus of our military and our diplomats that it does that, then that is money well spent. Full funding of the President's international affairs budget is a vital step toward greater civilian capacity.

I urge colleagues to support this amendment. Senator LUGAR, Senators LEAHY, VOINOVICH, DURBIN, KAUFMAN, MENENDEZ, DODD, FEINSTEIN, BROWN, SANDERS, LIEBERMAN, CASEY, and CORKER have all joined together to cosponsor this amendment. We ask for the approval of the Senate to add \$4 billion worth of funding to the President's fiscal year 2010 international affairs budget request for the function 150 account. There is an offset. The offset that would pay for this transfer would come from the function 920 account.

The reality is that we are just not doing enough today to invest in the vital components of both diplomacy and development. I was recently in the

Middle East, in Egypt and Jordan and in the West Bank and Israel and Syria, Lebanon. I saw firsthand the degree to which people we support in many ways are struggling to push back against enormous spending by Iran and other actors who seek to destabilize the region. If the United States talks about democracy and doesn't support people in the same way the people trying to disrupt it do, we lose our credibility and, more importantly, we walk away from people who are literally putting their lives on the line to live up to the standards we have set and the beliefs we have espoused so powerfully.

It is extraordinary to me that the funding for the Department of Defense today, with all of these restraints we see on its ability to achieve our goals, as powerful as we know it is and as much as we admire the sacrifices and the extraordinary capability of our modern military—the fact is, we spent over half a trillion dollars on it. Then in 2008, the Army added about 7,000 soldiers to the total. I supported that. I believed we needed to do that to relieve pressure on the current deployments. But 7,000 soldiers is more people than serve in the entire Foreign Service every year all the time. The fact is, 1,100 Foreign Service officers could be hired for the cost of a single C-17 military cargo plane, and \$4 billion, which is what we are looking for here, is less than 2 percent of what the Government has given to AIG over the course of the last year and a half.

This is a vital context to put this discussion into. We have to decide around here what is really important to us. What really makes a difference to the security and safety of the American people? The President requested \$53.8 billion in this year to fund next year's budget. That is an increase of 8 percent over last year's funding level of 49.8.

Why is this so important? Well, first of all, let me put this in context, if I can. The total request of the President for this entire context of America's security comes to about 1.4 percent of our whole budget. In fact, if you break out the entire national security budget, which is our defense, homeland security, all the components of security, you are only talking about 6.8 percent of the entire national security budget of our country for some of the most important things that prevent people from becoming terrorists or from being able to engage in their terrorist acts with impunity.

Some people try to assert that the President's request has increased 41 percent from last year's total of \$38 billion. Let me say very clearly, right now, that is not accurate. The figure of \$38 billion does not include last year's supplemental appropriations. And those supplemental appropriations raised the total to about \$50 billion.

What President Obama did was break the practice of past Presidents of sending in a phony half budget or a three-quarter budget and then we do the rest of it through the supplementals. He decided the American people ought to see

it as it is, they ought to know what we are doing, we ought to make the request we need. So he put in the request for the \$53 billion because that is, in fact, reflecting what we actually spent last year, plus what we need to do for Afghanistan and Pakistan in this year. This is a more straightforward way of doing business, frankly. Rather than hiding the amount of money or massaging the spending figures by tucking extra spending into the supplemental bills, President Obama has been up front and open, and he has put it into one bill and says: Here is what I need. That is why my colleague, the chairman of the Budget Committee, who labors unbelievably hard under these difficult circumstances to make all this work—and I respect him enormously in those efforts—has praised President Obama's approach in this openness.

So the real question is sort of, What is this \$4 billion going to get us? What is the difference it is going to make? First of all, we have a vital new package the President announced yesterday that Senator LUGAR and I will be introducing in a few days to provide additional assistance for Pakistan and Afghanistan. The \$4 billion is going to help build civilian capacity and put our diplomats back on the front lines of American foreign policy. It will provide lifesaving treatment for people with HIV/AIDS and continue the program that was perhaps the single most successful program of the Bush administration, which is the PEPFAR efforts in Africa. This \$4 billion will help make people all over the world safer and in the process help keep America safer.

Ultimately, these kinds of efforts are the key to the strategy in Afghanistan. Our on-the-ground ability to be able to win, hold, and build is the whole strategy to be able to win people back over to us and prevent the Taliban from supplanting or filling the vacuum that currently exists.

We need to reverse years of neglect in those two countries. Pakistan has nuclear weapons. We just saw the other day an attack on police recruits in the heart of Pakistan itself—not out in the Fatah or in Baluchistan or the areas we know are harder to control. So we see that insurgency with a message clearly sent that they can act with impunity. So it is critical for the United States to step up and show President Zardari and the Government of Pakistan, who are courageously trying to forge forward with their youthful democracy, that, in fact, we are supportive and we are there to help them.

I ask my colleagues to imagine a nation as populous as Iraq, Afghanistan, and North Korea combined, a nation with a full arsenal of nuclear weapons and ballistic missiles capable of delivering them anywhere in a 1,000-kilometer range. Imagine a nation with a population that is overwhelmingly moderate, overwhelmingly committed to democracy and the rule of law, but deeply suspicious of its leadership and

of America's friendship. Imagine a nation in which Osama bin Laden and the leadership of al-Qaida have found sanctuary for the past 7 years—a haven from which they and their confederates have plotted and carried out attacks on their host country, on neighboring countries, and on sites around the globe. That nation can serve as a keystone for a new, cooperative relationship between the Western and Muslim worlds, or, if we do not do our job, it could become an epicenter for radicalism and violence on a cataclysmic scale.

So I believe we are at a critical crossroads, and we need a bold new strategy for Pakistan. Our current path has not brought success, and tinkering around the margins is absolutely guaranteed to fail. That is why President Obama has called on Congress to pass the Enhanced Partnership With Pakistan Act that Senator LUGAR and I will introduce very soon that authorizes up to \$1.5 billion annually in order to help shape this new relationship with Pakistan.

We also might mention again the importance of standing up with respect to Iran. When you look back at what happened in the war with Israel and Lebanon, the southern part of the country of Lebanon was significantly damaged. Iran, using its surrogate Hezbollah, immediately painted flags on the houses—their flags, Hezbollah flags—and essentially asserted: Don't worry, we are here, and we are going to rebuild this.

So last year both parties came together. We had 73 votes to pull together, in addition to the budget, to provide \$48 billion over 5 years. Today, it is imperative that we fund these programs, and I ask my colleagues for their support for this amendment.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, when the Senator approached me about this yesterday, I told him I would strongly oppose this amendment. I told him that because this has been hard to put together, and we have tried to have an equal sharing of sacrifice between all of the spending elements of a budget. We have tried to do it with respect to domestic spending, defense spending. We have tried to do it with mandatory spending. And international is a component of the discretionary side of the budget, so we thought it would only be fair that they be asked to make a contribution.

When I told the Senator yesterday that I would strongly resist this amendment, I did not know, I was not aware, he had an offset for that amendment, and that does alter the situation. That makes it more palatable because we maintain the same bottom line.

But it does concern me that we are upsetting the balance of what I think is a fair distribution of the pain of the cutbacks we have had to make. I want

to be very clear about that. I am concerned that other parts of the budget are being asked to take reductions from the President's request and now international will not. So I want to say I find that troubling.

I understand absolutely the substance of the argument the Senator is making, and he is right to make it. He is chairman of the Foreign Relations Committee. But I do hope colleagues think carefully about kind of the equity of the burden here—the equity of the burden.

The second thing I want to say with respect to this amendment is that it uses a 920 offset. We came out of the committee with about \$7 billion in savings in 920. That is general overhead of all of the agencies; in other words, it is across the board, goes to their travel accounts, goes to their overhead accounts. Could we take somewhat more in 920? Yes, but not much more.

We came out of the committee at \$7 billion. I have always tried to stay at about \$10 billion in 920. This would take us to \$11 billion. So I am troubled by that as well.

With that said, I do not intend to oppose this amendment, but I do find it troubling on those two grounds: One, it does affect the fairness of the distribution of the pain, if you will, of the cutbacks we have had to make; and No. 2, it adds to the section 920 offsets in a way that, to me, takes it a little past the realm of what is reasonable. But with that said, I do not intend to oppose this amendment or ask colleagues to vote against it.

I yield the floor.

Mr. President, Senator CORNYN is next. Senator CORNYN has another one of these corrosive amendments. I told Senator CORNYN, this is the third year he has offered a corrosive amendment, that he is very much in danger of being dubbed "Corrosive CORNYN." I hope he takes that with the good humor it was intended.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the new moniker the distinguished chairman of the Budget Committee is trying to confer on me, but I would say it is not warranted for a number of reasons. The chairman has a great sense of humor, which I appreciate sometimes and not as much on other occasions.

AMENDMENT NO. 806

Mr. President, I ask unanimous consent to set aside the pending amendment and to call up my amendment No. 806 and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 806.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect small businesses from higher taxes)

At the end of subtitle A of title III, insert the following:

SEC. . POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(b) DEFINITION.—In this section, the term “Federal income tax rates” means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

(c) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CORNYN. Mr. President, my colleagues, when they listen to what my amendment does, are going to experience a sense of *deja vu*. As the chairman says, we have been here before. As a matter of fact, 2 years ago, when I offered this amendment, which would create a budget point of order requiring 60 votes for any legislation that would raise taxes on small businesses—a couple years ago—we got 63 votes for that amendment, including these Democrats, as shown on this chart, folks on the other side of the aisle, making this a truly bipartisan proposal. Two years ago, when we had the same amendment offered, we had a little bit different group, but 58 Senators, representing a bipartisan majority of the Senate, believed it was a correct move to limit this Congress’s ability to raise taxes on small businesses.

I know the chairman has raised this issue of corrosive but not fatal to the privileged status of the budget resolution, and I have some answers. We have corresponded with the Parliamentarian, and he has been good to give us some guidance, and I think there is a pathway for us to move forward for the conference committee to consider this amendment and to perhaps modify it in the conference and yet sustain its viability as a budget point of order for a tax increase on small businesses.

Why are we focusing on small businesses? Well, almost 400,000 small businesses in Texas, my State, employ about 4 million people. Frankly, as the chief job-creation engine of our country, small businesses disproportionately add to the job creation in our country, and I think it would do nothing but destroy or certainly impair their ability to continue to create jobs in this country by raising taxes on small businesses. So I think it is appropriate, before we do, that we have an extra hurdle—at least 60 votes—to waive any budget point of order to make us consider the seriousness of our

decision and also the ramifications of any tax increase on small businesses.

Last month, I visited Tyler, TX. That is in East Texas, a midsized city of over 100,000 people, where I had the chance to sit down and visit with local business leaders, community leaders, about how the economy is going, unemployment rates—the things we could do here in Washington to perhaps make those businesses’ job-creation capability a little easier. I met with Don Thedford, who 30 years ago opened a business called Don’s TV and Appliance. He did that 30 years ago with just one other employee; in other words, there were just two of them. Today, Don’s business has 50 employees who sell and service appliances and electronics.

Don was able to grow his business early in this decade in part because of the tax relief we passed in 2001 and 2003. Since 2000, Don has hired eight additional workers to install and deliver appliances, seven more service technicians, six more clerical workers, four more sales people, and two more in management. So this is the kind of job creation we love to see: 30 years ago, two people; now 50 people working productively in this small business. Don has also added a new retirement plan for all of his employees, in addition to the health benefits he has offered to his employees for years.

As have many small businesses in this recession, he has seen his sales fall off. Of course, when families aren’t buying and selling as many homes, there is less demand for appliances and electronics. Higher taxes would force Don, as well as other small businesses, to lay off some employees he has hired and scale back on some of the benefits he has offered, including health care.

We know more than half of the small businesses with 20 or more employees will get hit with a tax increase under President Obama’s budget proposal. We also know, as I indicated earlier, small businesses create a majority of the net new jobs we have seen over the past decade, and two-thirds of those jobs were created by businesses similar to those that are now threatened by a proposed tax increase. Given the administration’s stated goal and, indeed, our stated goal—I don’t know any Member of the Senate who doesn’t come to the floor and say we need to help our employers create and certainly, at least, retain the jobs they have in this down cycle—I am left wondering why anyone would oppose this budget point of order that would make it harder to raise taxes on small businesses because I know we all appreciate, intuitively and otherwise, that raising taxes on small businesses would be counterproductive to our ultimate goal of job creation.

I have said this every time I have offered this amendment—and now it is the third time—that this point of order is an insurance policy when Congress decides to look at the pocketbook of small business owners such as Don for more money instead of looking for

ways to eliminate waste and fraud and abuse in Government programs. We know the Office of Management and Budget has reviewed more than 1,000 Government programs and found 20 percent of them to be nonperforming. Why don’t we look for ways to save money by eliminating that waste and nonperforming programs as opposed to raising taxes on the chief job creators in our economy? Raising taxes before we eliminate wasteful spending or fix the ones that are broken is the wrong signal to our No. 1 job creators.

I share the chairman’s concern, of course, about the debt. In fact, I offered an amendment in the Budget Committee that would have reduced it by more than \$55 billion but, unfortunately, it was defeated by a party-line vote. But with concerns that families and small businesses have about the economy, now is not the time to increase taxes.

As former Chief Justice John Marshall noted, “The power to tax is the power to destroy.” We should not use this power to destroy small businesses such as Don’s.

For this reason, I ask my colleagues once again to sign on to this amendment and to join me in voting with the same sort of bipartisan support that we have enjoyed the past two times this amendment has been offered and pass it as a statement of this body that we are going to be extra careful and take extra precautions and look for alternatives before we end up raising taxes on small businesses because that would be exactly the wrong prescription for what ails this economy.

Finally, let me say I know the concerns the Budget chairman, the bill manager, has on the privileged nature of this budget resolution. But I suggest to him that this is something that if the amendment is passed, he can take up, and the conference committee can take up and modify the amendment while retaining its essential core principles and eliminate the concerns the Parliamentarian has voiced about this being corrosive, if not fatal, to the privileged nature of the budget resolution.

So it is my hope, when we have an opportunity to vote on this, that we will get a strong bipartisan statement out of the Senate that we are not going to raise taxes on small businesses without at least the deliberation required and the overwhelming vote of 60 Senators to do so because it would be exactly the wrong thing to do in this economic downturn.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this amendment creates the same issue the previous amendment created, the Ensign amendment, and that is because it is overly prescriptive in terms of the Finance Committee, it puts at risk the privileged status of the budget resolution. So I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. CONRAD. Parliamentary inquiry: If this amendment were adopted but not brought back from conference committee, would the privileged status of the budget resolution remain intact?

The PRESIDING OFFICER. It would.

Mr. CONRAD. I thank the Chair. I thank the Parliamentarian.

Mr. President, we have Senator LINCOLN who will be on her way momentarily, and 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. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 775

Mrs. LINCOLN. Mr. President, I will soon call up amendment No. 775, which is one of the amendments I filed on the budget.

This is a simple amendment. It is to ask that we make an investment that would reflect our Nation's commitment to the men and women serving in our Nation's Selected Reserve.

The amendment I offer with Senators CRAPO and KLOBUCHAR would create room in the budget to "enhance future GI Bill benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition."

Since its inception in 1984, the Selected Reserve GI bill has served as an important tool for recruiting young men and women into the National Guard and Reserves. Those who initially join for 6 years are automatically entitled to these benefits and the current monthly rate of \$329 for full-time study and training.

Unfortunately, however, Selected Reserve GI bill benefit rates are simply not reflective of the critical role guardsmen and reservists play in today's military. Since September 11, 2001, these benefits have increased an average of less than 3 percent each year.

As so many people know, the Guard, Reserve, and Selected Reserve are doing a tremendous duty now that is much different than what it was pre-9/11.

They have also not kept pace with the Active-Duty GI bill benefit increases—plunging in value from the historic benchmark of 48 percent of the Active-Duty GI bill to just 25 percent today.

By failing to make an appropriate investment in the men and women of our National Guard and Reserves, this trend sends a very poor message that the Reserve component is being devalued.

Given the current economic climate, it is imperative we make a greater investment in these fabulous men and women who serve us from each of our

States in the Guard and Reserves. The rising price of higher education, increases in the interest rates on student loans, and the limited earnings ability of those with only high school credentials make educational benefits a primary means of investing in our future. During tough economic times, they may also face increased competition for financial aid dollars as our colleges and universities see more applicants.

As we know, an increasingly competitive job market encourages more high school graduates to pursue higher education rather than risk finding stable employment. At the same time, more working adults are going back to school to gain additional skills to make them more marketable. We want to encourage our Guard and Reserves, and we want to encourage our Selected Reservists to take advantage of educational opportunities to further their positions in the Guard and Reserves but also to be able to further their positions in business and in industry and where they are going to be working in our communities.

Last year, Congress made a tremendous investment in our men and women in uniform by passing a 21st century GI bill that greatly expanded GI bill benefits and made college more affordable for servicemembers and veterans.

Senators WEBB, AKAKA, and others deserve our gratitude for their tremendous leadership on that issue.

For Active-Duty servicemembers and Reservists called to Active Duty for more than 90 days, these benefits will be absolutely critical.

My State of Arkansas has recently welcomed home over 3,000 National Guardsmen from a 1-year tour in Iraq. For many of them, it was their second tour in just 3 years. I am proud we will be providing them with education benefits that are more commensurate with their increased service to our great Nation.

One of the provisions of the newly enhanced GI bill will tie the Active-Duty GI bill rate to the national average cost of tuition.

My amendment would simply create budget room to do the same thing for the Selected Reserve GI bill. Therefore, when the national average cost of tuition increases, Selected Reserve GI bill rates would increase by the same percentage, making sure they keep up as we move forward, as opposed to continually falling behind in their percentage rate toward educational benefits for the Selected Reserve.

This required increase is very modest. Yet it would send a powerful message to the men and women serving in our Nation's Selected Reserve.

Our military simply could not function without them—particularly in today's world. While those who are activated and sent overseas deserve our utmost respect and gratitude, we must also not forget the thousands of men and women at armories and bases all across our States who serve a critical

role in making sure other members of their units are qualified and ready to deploy.

They are the police officers, the doctors, the schoolteachers, the mayors, and the neighborhood pharmacists in communities across our Nation.

Providing enhanced Selected Service GI bill benefits makes an investment in these men and women who are not only holding up the economies in our local small communities across the States in this great Nation, but they are also willing to serve in a military fashion that is much needed to back up those men and women who are deployed. It also enhances the GI bill to more effectively serve as a recruitment and retention tool for our Armed Forces.

Ultimately, it enhances our Nation's competitiveness through the development of a more highly educated and productive workforce.

As the daughter of a Korean war veteran, who was an infantryman, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free. I have been grateful all my life, and continue to be, as my colleagues are, for the service of so many of our brave men and women, particularly from Arkansas and certainly across the Nation.

I urge my colleagues to support this amendment. It is the least we can do for those to whom we owe so much and to reassure future generations that a grateful nation will provide for them should they devote themselves to serving our Nation in uniform.

I appreciate the time I have had today to bring up this amendment. I look forward to being able to talk on other amendments when the time is available.

Mr. President, at this point, under the previous order, I ask unanimous consent that the pending amendment be set aside in order to call up my amendment No. 775.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] on behalf of herself, Mr. CRAPO, and Ms. KLOBUCHAR, proposes an amendment numbered 775.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To enhance future GI Bill benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition)

On page 41, line 24, insert after "Indemnity Compensation," the following: "enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition,".

Mrs. LINCOLN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator for her amendment. It is a very well-thought-out amendment. We appreciate her raising it and it will be in order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I know the Senator from Arkansas has a second amendment. It is not formally in the queue, but she is free to talk about it at this time. I am happy to yield her time to do that—to talk about it at this time but not call it up.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I wish to thank the chairman of the Budget Committee and the ranking member, Senator GREGG, for being so thoughtful in this debate. I continue to especially compliment the chairman on coming up with an incredible balance in the budget, having worked so hard to reflect what so many of us want to see and the President's priorities. I think he has done a remarkable job focusing on the priorities that many of us and the President feel are very important to focus on now and to do it with such a fiscally responsible as well as a very balanced approach. I think he has reached a tremendous balance. I applaud him and his staff and all those who have worked on this budget. I do believe they have come up with a good, sound proposal, something that reflects so much of what we want to see happening in this great country.

I rise to support an amendment that I will be offering, which is filed, but I will bring it up later. It will be offered on behalf of approximately 500,000 foster children across our Nation, and the foster, kinship, and adoptive parents who play such a crucial role in their lives.

My amendment would create room in the budget for making improvements to our child welfare system and specifically for additional efforts to recruit and retain more foster families.

I am so grateful to be joined in this effort by Senator COLLINS from Maine and Senator LANDRIEU from Louisiana, who have long been tremendous advocates on behalf of our Nation's foster children.

As we all know, our States face ongoing challenges in recruiting and retaining families to care for children in our foster care system. Tragically, while the number of children coming into the system has increased in recent years, the number of foster families has steadily decreased. All anybody has to do is look at the economy around us. Working families are struggling. Unfortunately, those hard-working families, who are the diligent, giving souls

who open their homes to foster children to embrace and love them and to give them a home, are struggling as much, if not more than, anybody else, and their ability to open their hearts and homes is being restricted by this economy.

With nearly 25 percent of families leaving the system each year, we simply cannot sustain these losses. In my State of Arkansas, we are grateful for our 1,200 foster families, but we desperately need more to cover the number of children in need.

Given the current economic climate, many of these parents, most of whom are low- to middle-income families, have experienced tremendous difficulties maintaining employment and providing for their families. That makes them even more hesitant to take on the additional responsibilities of caring for a foster child. This problem will only exacerbate unless we do something to stem the tide.

My amendment would allow for initiatives, such as the grant program provided under the Resource Family Recruitment and Retention Act, a bipartisan bill I have introduced with six of my Senate colleagues.

Specifically, this grant program would provide States more opportunities to develop innovative methods of education and support for resource families.

Among other demonstration projects, it would also allow States to establish peer-to-peer support and mentoring groups; programs to provide foster families with reliable and accessible respite care to help them avoid burnout. We are seeing, as they put more and more of their resources and energies and more and more of their hearts and souls into wanting to reach out to foster children and bring them into their homes, a tremendous amount of burnout. We also want to train them to care for children with special needs, which is, again, a growing need among foster children.

As lawmakers, it is our role to honor the critical role that foster families play in the lives of foster youth and provide them with the services and the support they need. Foster children seek nothing more than a safe, loving, and permanent home, and resource families often help address this need. By strengthening efforts to recruit and retain these families, we also enhance our best tool to recruit other families and retain prospective adoptive resources.

As Members of this body, we have an obligation to do right by those we represent each and every day. We also have a moral obligation to do everything we can on behalf of the most vulnerable in our society.

For the over 500,000 children who are in foster care today, and many more who are headed into the foster care system, the many thousands of families who have provided them with the love and support they desperately need, it is the least we can do.

I call on my colleagues to join me in this effort to make sure we recognize that in these difficult economic times, we have multitudes of good American families, hard-working families who want to do what is right, who want to reach out and help these children who need a loving home. We need to provide the help in order for them to do that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, before the Senator leaves the floor, we would be amenable to taking both of the Senator's amendments by unanimous consent if she is amenable to that.

Mrs. LINCOLN. Absolutely. How grateful.

Mr. GREGG. Has the Senator called up her second amendment? I suggest she call it up.

AMENDMENT NO. 774

Mrs. LINCOLN. Mr. President, I believe under the previous order I need to also ask unanimous consent that the pending amendment be set aside in order to call up my second amendment, which is amendment No. 774.

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

The bill clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. COLLINS, and Ms. LANDRIEU, proposes an amendment numbered 774.

The amendment is as follows:

(Purpose: To provide a deficit-neutral reserve fund for improving child welfare)

At the end of title II, add the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING CHILD WELFARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. GREGG. Mr. President, I ask unanimous consent that the two amendments recently called up by the Senator from Arkansas be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments are agreed to.

The amendments (Nos. 774 and 775) were agreed to.

Mrs. LINCOLN. I thank my colleagues.

Mr. CONRAD. I thank the Senator. I thank our colleague, the ranking member, as well.

In terms of the unanimous consent agreement, the next amendment is the Gregg amendment?

The ACTING PRESIDENT pro tempore. The Gregg amendment; that is correct.

Mr. CONRAD. Senator GREGG.

Mr. GREGG. Mr. President, just to clarify the procedure, as I understand it, we will go to my amendment which deals with a task force on how we deal with entitlement reform, tax reform, and the amendment after that will be Senator KYL's amendment on health care rationing. Then I think we take a break. I am not sure about that, but I believe there will be a break. Then there will be a series of votes on the pending amendments. After the votes—this is not in the form of a request; it is a statement of where we are—we will be going to Senator MCCAIN, who has an amendment. From there we still have not decided.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I note that we also have a Shaheen amendment after the Kyl amendment.

Mr. GREGG. Correct.

Mr. GREGG. Should we lock that in? Can I get the chairman's attention? Can we lock in that order?

Mr. CONRAD. Mr. President, why doesn't the Senator proceed.

AMENDMENT NO. 835

Mr. GREGG. Mr. President, I ask the clerk to report my amendment. I ask unanimous consent to set aside the pending amendment.

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

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. MCCONNELL, Mr. VOINOVICH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. ENZI, and Mr. LIEBERMAN, proposes an amendment numbered 835.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to address our Nation's long term fiscal problems)

On page 49, between lines 3 and 4, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS OUR NATIONS LONG TERM FISCAL PROBLEMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party, legislative recommendations to address those imbalances, and provides legislative fast track procedures to ensure a vote on the legislative recommendations, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. GREGG. Mr. President, this is actually a pretty significant amend-

ment. In fact, it is a very significant amendment if we are able to follow through on its purposes. It is something the chairman and I have worked on a great deal for a number of years. I believe, and I think I speak correctly that the chairman believes, our problems in this Nation relative to the cost of the Government in the years to come, especially as we move into the full retirement of the baby boom population, are extraordinary; that we are facing massive amounts of expenditures to support the baby boom generation in retirement.

As we know, the baby boom generation essentially doubles from 35 million to 70 million. The cost of the entitlement programs that support that generation and others simply overwhelm the ability of the Government to pay those programs and forces us into a situation where the debt of the Government will overwhelm our children.

The discussion on this issue has been broad and extensive in our Nation, carried forward in large part by a number of citizen groups which are totally dedicated to trying to address constructive action in this area, especially the Peterson Group, which is headed by the former Comptroller General, David Walker.

This amendment is an attempt to start addressing that issue sooner rather than later through a task force procedure. But it is not your typical task force. We have all seen commissions and task forces. In fact, on these specific issues—Medicare reform, Social Security reform, and tax reform—we have seen a lot of task forces. This is a little different—substantially very different.

Essentially, what this does is create a task force which is bipartisan so there can be no question about everybody being at the table and everybody having a fair hearing of their views, which involves the players who are involved in the decision process—Members of Congress and members of the administration.

The idea is to set up a procedure where that task force reaches agreements, hopefully, on issues such as reforming Social Security, so we continue to deliver high-quality Social Security benefits to our retirees, reforming Medicare along the same lines so people continue to get high-quality Medicare and health care who are retired, reforming our tax laws so we basically have the opportunity to make sure we have a tax law that works for the Nation and produces the revenues we need.

It moves down the road, coming forward with policy in all those areas so those programs, specifically the entitlement side—Social Security, Medicare, and Medicaid—become either solvent over their actuarial life or move dramatically down the road toward solvency.

The problem we have is those three programs alone—Social Security, Medicare, and Medicaid—presently

have an unfunded liability of \$60 trillion over their actuarial life. Mr. President, \$60 trillion is a massive amount. The goal is to try to reduce that unfunded liability in a constructive way that allows the benefits to still be robust and reasonable, while the cost is affordable to the younger generation that has to pay those benefits through their tax burden.

The reason we have chosen this procedure is that we have concluded that if you put policy on the table initially, if you say, OK, we are going to change this element of Social Security or this element of Medicare or this element of tax law, there are constituencies in this city who immediately surround you and start shooting at you for a variety of reasons. Some genuinely disagree with the policy. Much of it is essentially the way Washington works. There are a lot of constituency groups in the city that basically generate their revenues from the fact that they are able to create concern amongst the people who participate in their group. And as a result of our putting a policy on the table—somebody putting a policy on the table—they try to use that as a mechanism to generate concern and raise money for their organization.

It has never worked. A lot of different people tried putting the policy on the table first. All that happens is everybody goes to their corners and starts shooting away. What we have concluded is we should have a procedure that drives the policy, and it is a procedure that leads to policy action.

So this task force, which will be absolutely bipartisan in its makeup, would be required to report in a way that is absolutely bipartisan, which is what is critical, so their report would be seen and would be actually fair and bipartisan. We would have a series of initiatives, of policies, which would then come to the Congress and have to be voted on with supermajorities. It would have to be voted on what is known as fast track around here, where there is no way to avoid voting on it and where you cannot hide behind amendments. You actually have to vote up or down on the various policies proposed by this task force. Then, of course, it would go to the President. He would have the right to veto it if he did not like it, but it would get to the President because it would be a fast-track event. It would lead to action on these core issues that are really at the essence of our problems as a society relative to going forward and being fiscally sound as a nation and also being able to take care of people who are retired and make sure our children have a nation they can afford and a government they can afford. It is a pretty significant step if we were able to pursue this course.

I congratulate the chairman for being a force on this issue for many years.

That is basically the amendment, which essentially says we want to pursue that course of action. It, unfortunately, does not legally create this

event because that type of an action would require legislation, and as those who follow the budget process know, the budget is not signed by the President. It is a resolution; it is not a bill. In order to execute on this, it would require an actual piece of legislation signed by the President. But this amendment makes a fairly definitive statement that this is the course of action we need to get about doing. We do need to get about doing it. We do need to.

I think it is a positive statement on a very critical issue. If we were to do this, if we were to actually pursue this initiative on a task force as the chairman and I have talked about for a while, my goodness, we would be doing good work for the American people. We really would. We would be taking on what is so critical to making sure we pass on to our kids a better nation.

I hope it will be supported. It has bipartisan support. My primary cosponsors are Senators LIEBERMAN and VOINOVICH. I have been working with the chairman. Hopefully, he is reasonably comfortable with it. As we move down the road, hopefully we can accomplish this.

Mr. President, I ask of my time—not at this point, but at some point down the road that is convenient to the chairman and myself in the debate—that 5 minutes be reserved for the Senator from Ohio, Mr. VOINOVICH, so he can speak on this matter.

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

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a painful moment for me because I subscribe to virtually every element of what Senator GREGG is proposing, with one exception. The exception is on page 2, this reference “in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party. . . .”

That is something to which I have not agreed, could not agree. I think that alters in a very significant way the dynamic.

Senator GREGG and I embarked on this effort several years ago. At that point, with Republicans in control of the White House and Democrats in control of the House and the Senate, we agreed to a formulation that the majority in the House would get four Members, the minority three, the same in the Senate, four and three, and there be two representatives of the administration. That is 16 in total, and it would have been eight Democrats and eight Republicans.

The problem that has happened since—and it would take 12 of the 16 to report. That means you could have all the Democrats and half the Repub-

licans or vice versa. You could have all the Republicans and half the Democrats, and with that number, you could bring the matter to the Senate for a vote.

What has happened in the interval? Democrats have captured control of the White House, as well as increased the numbers in the House and the Senate. So now to have a requirement to have a majority approval of each participating party I think is unreasonable. I think it is unreasonable and is not in keeping with the formula to which we had originally agreed.

Why is it unreasonable? Because Republicans don't have a majority in the House or the Senate and don't control the White House, yet all of a sudden it takes a majority of them to agree on a solution for our long-term fiscal problems. That just gives disproportionate power to the minority, and a minority that is not only a minority in the House and the Senate but a party that does not control the White House either. So I could not support that. If that were not part of this, I would have a different view because then it would be very much in line with what we have talked about for several years.

Let me go to the basic concept because the basic concept I do support, the basic concept being that we have to have some special process in order to address these long-term fiscal imbalances. You are never going to do it in a 5-year budget resolution. You can make a downpayment there and you can certainly get going in the right direction, which I think we do in this budget resolution, but Senator GREGG, when he says you have to have a process to get to a policy, I believe, is exactly right. I don't believe anybody who leads with a policy is going to get an answer here. I believe it is going to take a process to get there. But I think it has to be a process that recognizes the political reality of this moment in time. At this moment in time, Democrats are in control of the White House as well as the House and the Senate. So to put in a clause that the bipartisan task force, in order to report, has to have majority approval of each participating party simply goes beyond what I have agreed to in the past or what I could agree to now. So I would be constrained to object to the passage of this proposal as written.

Mr. GREGG. Mr. President, I would just note on this number—because the number is important—that I disagree with the logic here that the chairman has put forth because the purpose is bipartisanship. It is not that one party controls the Government or the other party controls the Government; the whole purpose here is to get bipartisanship so that the American people are confident that whatever this task force reports is fair because this task force is going to have very significant authority and extra legislative authority, and it is not going to work unless people are comfortable.

Regrettably, under the format the chairman is talking about, you would

only need two of the six Republicans. There would only be 6 of the 16 who would be Republicans, and only 2 would have to vote with the majority in order to report it, and that means that doesn't work. You don't end up with bipartisanship that way, I don't think. That is why a majority vote means you would have to have four of the six Republicans vote with it, and one presumes that is not going to be the problem. Hopefully, all 6 and all 10—all 16—will be voting for whatever the proposal is.

You can't create a situation where one side will be viewed as having the capacity to roll the other side within this task force. That is the opposite of the purpose of a task force. That is why we went to this proposal. In fact, the original concept was 16—8 and 8—back when the Democratic Party controlled the Congress and we controlled the administration, and with the 8 and 8 split, it took 4 members of either party—half of either party's membership on the task force—to vote for it. So that concept of having a commitment of the membership from both sides to the bill—at least the majority of both sides—is something we have actually had in the past.

In any event, I would regret it if the chairman opposes this because I think it will undermine our ability to move forward. But I see Senator KYL is here, and he has the next amendment.

Mr. CONRAD. Mr. President, just to review the history, because I don't agree with what was just described, in our original formulation it was 16, and 14 were Members of Congress, with the majority in the Senate getting 4 Members, the minority 3; the same in the House, the majority 4, the minority 3; two representatives of the administration, which was then the Bush administration. That meant 16 in total—8 Democrats and 8 Republicans—and it would take 12 to issue a report, 12 of the 16. That meant, at that time, that you could have all Democrats and half the Republicans or all the Republicans and half the Democrats.

Now fast-forward to this year. In our negotiations, despite the fact that our previous formula, instead of producing an 8-8, would now produce 10-6 Democrats to Republicans because the Democrats have just won the White House and the White House was to have two representatives, I agreed to alter that and to go from 10-6 Democrats to Republicans to 9-6 Democrats to Republicans but still have 12 to report. That would still mean you would have to have at least half of the Republicans. If you had all the Democrats, you would still have to have half of the Republicans. That, to me, is absolutely in keeping with what we had agreed to previously, where there were 16, it would take 12 to report, and since there were 8 Democrats and 8 Republicans, you would have to have at least half the Republicans, or if you had all the Republicans, you would have to have at least half the Democrats.

So I could not agree, and I just think, look, Democrats are never going to agree on a formulation, when they control the Senate, they control the House of Representatives, and they control the White House, Democrats are never going to agree that each party has to have a majority approval. I would never agree to that. I don't think it reflects the political reality that exists today. So I would reluctantly oppose it.

Mr. President, I think we are now at the time that we could go to Senator KYL.

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

Mr. KYL. I thank the chairman, and I ask unanimous consent to lay aside the pending amendment for the purpose of offering an amendment.

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

AMENDMENT NO. 793

Mr. KYL. Mr. President, at this time, I call up amendment No. 793, relating to comparative effectiveness research.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 793.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and the treatment preferences of patients)

On page 31, line 9, insert "does not curb growth in health care spending by using data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs, ensures that comparative effectiveness research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and the treatment preferences of patients, and" after legislation.

Mr. KYL. Actually, Mr. President, the amendment is about as long as it took me to say that, but I will describe it nonetheless.

I hope this amendment will receive very strong bipartisan support because the entire essence of it is to ensure that nothing we have done so far here will allow health care in the United States to be rationed by the Federal Government. There is a reason for the concern, and I would like to discuss it.

First, of course, I would note that protecting the doctor-patient relation-

ship and ensuring access to the highest quality medical care is fundamental to any health care reform effort. Comparative effectiveness research can be used to provide patients and doctors with information so that they may make informed health care decisions. For example, a study might compare a drug versus a surgery and determine that the drug is just as effective or even better at improving a patient's quality of life. But without appropriate safeguards, the Government may misuse comparative effectiveness research as a tool to ration or deny health care, and since private insurers tend to follow the Federal Government's lead, this has significant implications for all patients.

The American Recovery and Reinvestment Act of 2009—more commonly known as the stimulus bill—included \$1.1 billion for comparative effectiveness research, and it created a national board called the Federal Coordinating Council to oversee that research. We all know the stimulus bill was written quickly and passed quickly and unfortunately, because of the phrasing there, we believe, could lead to unintended consequences. For example, nothing in the stimulus bill prevents the Government from using the \$1.1 billion to compare the cost of health care treatments, even though the chairman of the Finance Committee tried to prevent that, nor would it prevent the Secretary of Health and Human Services from using the research to deny coverage of a health care treatment, or reject a one-size-fits-all approach to medicine, or protect advancements in genomics and personalized medicine, or require the Government to consider differences in patient treatment response or preferences, or account for the unique needs of health disparity populations—frequently minority populations.

Some may say: Oh, we will never ration health care in America. Well, don't take my word; take the word of our former colleague, Tom Daschle, who wrote a book. In his book, "Critical: What We Can Do About the Health Care Crisis," he recommends that the United States follow the lead of other countries and use this cost-based research—the very research funded by the stimulus bill—to limit patients' access to care. And here is what he acknowledges in his book:

Doctors and patients might resent any encroachment on their ability to choose certain treatments, even if they are expensive or ineffective compared to alternatives.

Well, you are darned right they might resent it. Think about this a moment: Do you want Washington bureaucrats, such as those who brought you the AIG mess, making your health care decisions for you and your family? The answer, of course, is no, no rationing of health care.

Well, what is the real issue here? In February, the Wall Street Journal ran a story that chronicled patients' experiences with Canadian health care,

which is a good comparison of what happens when government makes these kinds of decisions I am talking about. Let me share one of those stories:

In March 2005, Shona Holmes began losing her vision and experiencing headaches, anxiety attacks, extreme fatigue, and weight gain. An MRI showed that she had a brain tumor. The government told her that she would need to wait months before she could see a specialist about the brain tumor. By June, her vision had deteriorated so severely that she traveled to the Mayo Clinic in Arizona. The doctors told her that she needed immediate surgery to prevent permanent vision loss and potentially death. But the Canadian Government's solution was more doctors' appointments, more tests, more waiting time. Left with very few options, Ms. Holmes traveled back to Arizona and paid for her surgery out of her own pocket and had the necessary surgery.

In the British health care system, we have heard similar stories. They have an entity called NICE, which actually does the rationing, but it is not so nice. Take the word of the British Government Web site that describes the rationale for their rationing of health care:

With the rapid advancements in modern medicine, most people accept that no publicly funded health care system can possibly pay for every new medical treatment which becomes available. The enormous costs involved mean that choices have to be made. It makes sense to focus on treatments that improve the quality and/or length of someone's life and,—

And I stress this part, Mr. President—

at the same time, are an effective use of NHS resources.

That is the national health care service resources. They go on:

Each drug is considered on a case-by-case basis. Generally, however, if a treatment costs more than 20,000 to 30,000 pounds—

And that is an equivalent of 28,000 to 43,000 in U.S. dollars—

per quality adjusted life year, then it would not be considered cost effective.

So in other words, the British Government, not physicians and patients, sets the rules and makes health care decisions. And the British formula, in U.S. dollars, is that an extra year of your life is estimated to be worth no more than \$28,000 to \$43,000. So if the treatment exceeds that, you are out of luck. The Government decides whether your treatment is an effective use of its resources and puts a price tag on what an extra year of your life is worth.

This budget lays the foundation for doing precisely the same thing in the United States. Our view and the public's view is that the Government should not make these decisions. Only patients, in consultation with their physicians, should make these kinds of health care decisions about their lives.

Those decisions should not be dictated by a formula based upon Government research.

I would also just add this point. Cost-based research applied this way can be very shortsighted. It leads to a one-size-fits-all approach to medicine that

standardizes care for diverse patients who may have the same medical condition, which is completely contradictory to the efforts of today's leading scientists. Scientists—for example those at TGen in my home State of Arizona—are exploring exciting advancements in genomics and personalized medicine; in other words, the right drug for the right patient at the right time.

Personalized medicine will offer an entirely new approach to medicine, including more accurate assessments of disease risk, better predictions of response to treatment, and safe, more effective treatments. This research will lead to better health care for all patients and long-term savings in the cost of health care.

Unfortunately, the stimulus bill was written in such a way that it does not incorporate targeting therapies, and it could stall innovation. I believe this is our opportunity to act to ensure that no Washington bureaucrat makes health care decisions for patients or undermines the sacred doctor-patient relationship. Already our own U.S. Government is taking steps toward this result.

Last Thursday, the acting National Institutes of Health Director announced that the NIH may use the stimulus money to compare the cost of health care treatments. In fact, NIH released a list of research topic areas, many of which include a cost component. One of the topics is entitled "Integrating Cost-Effectiveness Analysis into Clinical Research." Here is how the description reads. This should be chilling.

[T]his initiative calls for the inclusion of rigorous cost-effectiveness analysis in the design and testing of new and innovative interventions. . . . Cost-effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic diseases.

The allocation of health resources is, of course, a euphemism for rationing. So this is not hypothetical. This is what our own Government proposes to do with this research. For some of the sickest patients suffering from chronic diseases, the Government wants to decide if their treatment is a good allocation of resources. It is clear that if Congress fails to protect patients, then comparative research will be used as a tool to ration care.

For this reason I have offered this pro-patient amendment that would send a clear message to the administration and clarify the Senate's intent regarding the stimulus funding. My amendment States two principles: No. 1, the Federal Government shall not use the data obtained from comparative effectiveness research to deny coverage of a health care treatment under a Federal health care program—very simple—and, No. 2, the Federal Government shall ensure that such research accounts for advancements in genomics and personalized medicine,

the unique needs of health disparity populations, and differences in the treatment response and treatment preferences of patients.

We all agree with that. My amendment puts patients first. It is a non-partisan issue. I do not know of anyone in this body who wants the Government to ration care or stifle innovation. I believe in the right of every American to choose the doctor, hospital, or health plan of their choice. No Washington bureaucrat should interfere with that right or substitute the Government's judgment for that of a physician.

I hope my colleagues will join me in standing for patients—all of us in America.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Kansas is recognized.

Mr. ROBERTS. Madam President, I rise today as a cosponsor and in support of the amendment offered by my friend from Arizona, Senator KYL. I thank the Senator for introducing the amendment on behalf of health care providers not only in Arizona and Kansas but all across the country, and, as a result, the patients they serve.

I think we all know we have marching orders, if I can describe it that way, from the administration and from others to complete health care reform this year. But the President has been a little vague about what he envisions, stating that he will leave the details to the Congress, and the devil is, indeed, in those details. Senator KYL has certainly pointed out one of the details that has to be fixed.

Let me be clear. I am not opposed to health care reform. I don't know who would be opposed to health care reform. But we must beware of what lurks under the banner of reform. I do support, as do many others, a system of affordable, accessible health care for all Americans. But I do not support a system that replaces the judgment of your doctor with that of a government agency, as described so ably by Senator KYL. For this reason I share the concern of the Senator regarding the implementation of something called comparative effectiveness research. I wish more of my colleagues were in the Chamber to listen to this—listen to the description of what could happen in regards to something called comparative effectiveness research. The acronym for that, by the way, is CER.

This gets in the woods of health care reform. Comparative effectiveness research, or CER, is simply research that compares the effectiveness of two or more health care services or treatments. CER is not necessarily a bad thing. In fact, it has the potential to provide benefits to medical science and also, obviously, to patients. However, with CER policy—again, the devil is in the details. When discussing the details of comparative effectiveness research, we need to focus on another term, "least costly alternative." This is where comparative effectiveness re-

search has the potential to have a huge and negative impact on patient and doctor choice.

If comparative effectiveness research is used to deem two health care services or treatments to be interchangeable, then CMS, within the Department of Health and Human Services, will be able to invoke the least costly alternative to only reimburse the health care provider based on the cost of the cheapest treatment.

One need not look any further than the Congressional Budget Office's Budget Options, Volume I, Health Care, written under the direction of OMB Director Orszag, to see that the use of least costly alternative authority to restrict doctors' decisions and ration health care is clearly on the table.

Here is a good example. One of the CBO health care budget options discussed the savings that could be realized if CMS applied Medicare's least costly alternative policy to include something called viscosupplements. You use viscosupplements to treat a degenerative joint disease of the knees called osteoarthritis. A lot of Senators have knee problems—not only weak knees but sometimes knees that need a little help. So even though CBO recognizes that there may be justifiable reasons your doctor would choose to provide one viscosupplement over another to help your knees, this option would allow the Government to use least costly alternative authority to interfere with and restrict your doctors' decision. This is very dangerous territory.

Rather than having to depend on the rigorous clinical trials conducted by the Food and Drug Administration, the CMS could use the much lower bar of comparative effectiveness research to declare that the two treatments are interchangeable and thus can be subject to the least costly alternative policy.

This type of Government interference in the doctor-patient decisionmaking process ignores the very large and important differences that exist among people, among patients—I think that should be obvious—in favor of a one-size-fits-all health care solution that could and would lead to rationing of health care.

Let this be a warning to all patients, all doctors, all hospitals, all nurses, all ambulance providers, all pharmacists, all home health care providers—all of the people who provide health care throughout America, rural and urban. You are on notice that this policy combination—comparative effectiveness research and least costly alternative—may be the Holy Grail of cost containment at the expense of patient care. That is what Senator KYL's amendment gets at.

My colleague's amendment prohibits the use of comparative effectiveness research to deny coverage of health care treatments under a Federal health program. It requires that comparative effectiveness research take into account

the individuals and their treatment responses and their preferences, and it does protect doctor and patient sovereignty over health care decisions.

For these reasons I urge my colleagues to vote yes on the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, when I hear the description of this amendment given by our colleagues on the other side, and then I read it—to me, there is a bit of a disconnect. I don't see comparative effectiveness. I have been involved in writing comparative effectiveness legislation with the chairman of the Finance Committee. I don't see that as having anything to do with rationing. I don't see that has having anything to do with rationing.

Comparative effectiveness research is really to determine what works in health care. It helps ascertain what are the treatment regimes that are most effective at treating different disease states. It is the scientific process.

It is exactly what happened in the revolution of modern medicine at Johns Hopkins back in the early 1900s, in the 19-teens, with respect to the application of the scientific method to medicine, to test what actually works because one of the things we know in medicine today is that we are using many strategies that simply are not effective—and that is in no one's interest. That is certainly not in the patient's interest. It is not in a hospital's interest or a clinic's interest.

What comparative effectiveness research is designed to do, at least that which the chairman of the Finance Committee and I have been involved in, is to get the research done and then get the information in the hands of caregivers and patients so they can make a determination as to what is the best course for treatment. It has nothing to do with our efforts in rationing health care—nothing at all.

The chairman of the Finance Committee is here, and I will yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, we in Congress this year are embarked on major efforts to enact health care reform. It is very much in the President's budget. President Obama very much wants to enact health care reform this year. There are provisions in the budget resolution to encourage us as a body, a Congress, to enact health care reform.

The basic reason is because it is so needed. It is incredibly important that our Nation enact health care reform this year. I am not going to get into all the details and the various provisions that we must enact in order to get meaningful health care reform. By meaningful health care reform, I mean controlling costs. I remind my colleague, we in America spend about \$2.5, \$2.6 trillion on health care. That is this

year. If we do not do anything, those costs are going to almost double in 6 to 8 years.

We can't continue to spend what we do on health care. We spend almost twice as much as the next most expensive country. It is a huge cost of business. It is a very big cost to American business. American companies are becoming less competitive. Why? Because health care costs are too high; business costs are too high.

In addition, look at our Medicare budget. It is going out of sight. If we do nothing, if we don't curb our underlying Medicare budget costs, our budget, along with Medicaid, will probably double in another 8 or 9 or 10 years. That is unsustainable, to say nothing about individual costs to individual Americans, the personal costs, the family costs, the premium costs. We don't have a system in this country. We have a hodgepodge of lots of different functions—doctors, nurses, insurance companies, medical equipment suppliers, PMDs—everything is part of the system, and they are all trying to help supply health care, but because it is so disjointed we have a nonsystem where costs are just rising exponentially. We also have a nonsystem where 46 million Americans don't have health insurance, and about 25 million additional Americans are underinsured. It is ridiculous. This is the only industrialized country without health insurance. What we need is a solution which is uniquely an American solution.

We are not Canada, we are not Great Britain, we are not France, we are not Sweden, we are the United States of America. By "uniquely American," I mean it should be a combination of public and private. That \$2.6 trillion we spend today is divided half in private and half in public. We must find a way to curb costs, to get coverage to Americans retaining that uniquely American approach of private and public coverage.

We are working hard to try to find that solution. Part of the solution is reducing unnecessary costs and waste in our system. There is immense waste in the American health care system—immense waste. Basically, it is because of practice patterns, it is because of the way we reimburse on volume and quantity, not quality.

We have to move much more toward reimbursement; that is, paying doctors and hospitals on the basis of quality, not volume, and concepts such as bundling and medical home and health IT, which is in the budget, so we have information technology assistance to help, in several years, get to the point where we reduce health care cost.

But another is, frankly, comparative effectiveness. We need to know the comparative effectiveness of drugs, procedures, medical equipment, et cetera, so we get the best, highest quality, and we, therefore, will probably know which ones will tend to cost more than others. Doctors can make choices, patients can make choices, and insur-

ance companies can make choices as to which procedure, which drug makes more sense. Basically, it is up to the doctor to decide which way makes the most sense.

Now, the effect of the Kyl amendment, as I understand, is, frankly, to say that you have to pay for a very costly procedure that somebody deems to be not only ineffective, it may be harmful, and you have to pay for it. That does not make sense. Rather, I think the Senator from Arizona agrees with me, we are trying to figure out a way to use comparative effectiveness to help doctors have more information, and hospitals more information, as to which works better, has higher quality, and works better when compared to something else.

We are going to have to get into issues such as evidence-based medicine to help determine quality. Lots of concepts here that make a lot of sense. But I wished to say that whereas the intention—I somewhat understand the intention of the amendment, somewhat. I do not entirely understand the intention of the amendment.

But the effect of the amendment is to say that a procedure—let me get this straight. The language does not curb growth in health care spending by using data obtained by comparative effectiveness. It says there can be a procedure determined to be totally ineffective or may be harmful, but it has to be used. The doctor has to use it. That does not make sense.

I think it is a doctor's choice as to whether, by looking at the various procedures, what makes more sense compared to something else, using the data we provide by this process. But that is still a doctor's choice. That doctor, he or she, that doctor should decide which of these makes the most sense.

Therefore, I think it makes much more sense, frankly, that this not be approved. It is not necessary. It kind of gets in the way.

Senator HATCH and I and Senators GRASSLEY and ENZI are introducing a comparative effectiveness amendment. It gets to what I think the Senator from Arizona wants us to move toward; that is, comparative effectiveness, where we look at comparative quality of procedures, which is what we are trying to do—not cost but quality.

There was a big dustup in the stimulus debate about comparative effectiveness because somebody thought we were putting a cost-benefit analysis in it. We are not. We took that out. I must say to my friends, I went to the mat, frankly, to make sure cost was taken out. We took it out. It is just comparing quality.

The bill I hope to introduce—working to get support from Senators GRASSLEY, HATCH, and ENZI—would take cost out. It is just looking at quality. That is what we want to do. It is based on quality.

I think the Senator from Arizona will be very happy with that bill we are going to be introducing because it gets

at what I think the Senator wants: Let's compare quality, but let's not put the cost component into it because that would not be appropriate at this time.

Mr. CONRAD. Madam President, if I might, what we would like to do is get a unanimous consent agreement. Would Senator BAUCUS want more time on this matter?

Mr. BAUCUS. No.

Mr. CONRAD. I ask unanimous consent that Senator KYL have an additional minute, that Senator COBURN have an additional 5 minutes. That would take us to close to 1 o'clock. I ask Senator ISAKSON, how much time would he need to call up his amendment? One minute. Then we would go to Senator ISAKSON for 1 minute to call up his amendment. Then we would go to Senator SHAHEEN. Senator SHAHEEN would have 20 minutes equally divided. Then we will make a further determination at that point.

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

The Senator from Arizona is recognized.

Mr. KYL. The chairman of the Finance Committee raised two points. I wish to make very clear that nothing in this amendment deals with the question of patient safety. For example, if FDA says a drug is not efficacious, then obviously you do not prescribe the drug. The doctor makes that decision. As the chairman said, it is the doctor's choice. That is precisely where we want to leave it.

The other question was, though: It is not necessary, it will just get in the way, nobody is intending to do that.

There are two responses to that. First of all, if nobody is intending to do it, then there is no problem in saying you cannot do it.

But, secondly, they are intending to do it. Here is a direct quotation from the Acting Director of the NIH less than 1 week ago.

Cost effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic diseases.

That is the purpose of it. It is not merely to decide what works, which is the good side of cost-effectiveness research, but to allocate health care resources. Allocating health care resources is another way of saying rationing of health care. If we all agree we do not want that, and we do not think anybody is going to try to do it, then what is the harm in having an amendment that says we are not going to do it?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, as somebody who is still practicing medicine, I wish to tell you, we see comparative effectiveness every day. We cannot even get recertified unless we know comparative effectiveness.

The NIH last year spent \$267 million on comparative effectiveness research,

not associated with cost but based on quality outcomes. What is in this bill is a short-term look to say who is going to cookie-cutter cut a way to practice medicine that a bureaucrat will say is the best way, rather than what the science says.

There is no question we have tons of waste. The biggest inhibition for anybody getting into the health care system today is cost. The chairman of the Finance Committee is right, there is tons of waste. The reason there is tons of waste is 61 percent of the health care in this country is controlled by the Government today.

I can document it fully, each component of it, 61 percent. It is designed to create the mess we are in. If you want to change this system to where we get better value for the dollars we put into health care, let's create a clear, transparent, competitive market where you know quality and you know cost before you ever enter it. That is a goal we can all agree on.

We should know what it costs, and we know what the quality parameters should be. What comparative effectiveness as outlined by the acting head of the NIH is, what is the cheapest treatment we can do to get it there? Not what is best for the patient in consideration of that patient's particular needs and what is the best thing the doctor could recommend.

There are conflicts of interest. I do not deny that. Here is the No. 1 thing that comparative effectiveness fails to remember: Everybody thinks we can take the science over here and we can fix everybody. Well, I have news for you. Medicine is 40 percent art. Since we will not pay for physicians and providers to take the time to listen to their patients, to actually know what is going on with them, we have created a system where we spend a ton of money that does not have anything to do with a better outcome for the patients.

Two examples. Two patients in the last 4 years in my own practice, denied, under comparative effectiveness, MRIs; did not have a hard sign at all, had soft signs. Both of them had cancer of the brain. Both insurance companies and Medicare denied that they needed an MRI because it did not match with the guidelines.

That goes to show you that when you just use guidelines, you are not going to really care for the patients. The art of medicine has to be included. Comparative effectiveness never considers the art of medicine. That is 40 percent of taking care of people and giving them great health care and great outcomes. This amendment is a good amendment. The reason it should be there is we seek comparative effectiveness. You cannot get reboard certified unless you know comparative effectiveness, at every chance, at every corner, for every disease.

Do we need more? Yes. But we are spending billions every year on comparative effectiveness research. We fin-

ished a 7-year study on the heart. You know what it told us after we spent \$100 million on that study? We do not have the answer on which is the best. A double-blind, progressive, controlled study, and we do not have the answer. What makes us think some bureaucrats can take less research and come to a better conclusion than the best scientists in this country? What we are looking for is an answer in the wrong place.

The way we fix health care in this country is to truly allow doctor and patient relationships that will take advantage of the scientific advances that are out there and do so in a transparent way, where you know quality and you know price.

It is called performance for pay, rather than pay for performance. If you perform, you get paid more. If you do not perform, you do not. We apply market forces to everything we are doing, much less so since the new administration came in, but if we would apply that, we would have a tremendous advantage in terms of quality outcomes in this country.

I support the amendment and yield back the remainder of time.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 762

Mr. ISAKSON. I ask unanimous consent that the pending amendment be set aside and the clerk report amendment No. 762.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 762.

Mr. ISAKSON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment (No. 762) is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for providing a nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period)

At the appropriate place in title II, insert the following:

SEC. —. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING A NONREFUNDABLE FEDERAL INCOME TAX CREDIT FOR THE PURCHASE OF A PRINCIPAL RESIDENCE DURING A 1-YEAR PERIOD.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide a one-time nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period in the amount of the lesser of \$15,000 or 10 percent of the purchase price of such residence, exclusive of any other credit available for the purchase of a residence, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. ISAKSON. Madam President, I have 1 minute. I spoke last night at length about this amendment, so I will not take the Senate's time again. I know Senator SHAHEEN is about to offer her amendment.

But this is an amendment that carves out a deficit-neutral reserve in the budget in order to fund a \$15,000 tax credit for the purchase of a single-family home in America.

That is an amendment the Senate passed, the House rejected but is a pending bill before the Senate. This would reserve that money in the account, so that if the bill is passed, it can be paid for, and it is a deficit-neutral amount.

At an appropriate time, I will ask for the support of the Members.

I yield the floor and 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. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 835

Mr. VOINOVICH. Madam President, I rise to support Senator GREGG's amendment to create a deficit-neutral reserve fund for the creation of a task force to address tax entitlement reform and reduce our Nation's long-term fiscal gap.

The amendment would fund a vehicle to examine our tax and entitlement systems and present long-term solutions to place the Senate on a fiscally sustainable course and ensure the solvency of our entitlement programs for future generations.

Senator LIEBERMAN and I have introduced a very similar amendment, and I understand that Senator LIEBERMAN is going to be willing to support this amendment. I am not going to go into detail. The chairman and the ranking member of the Budget Committee have laid out in very frightening terms where we are in terms of our deficits and our national debt.

Frankly, I have been talking about this since I have come to the Senate in 1999. I said we have to do something about this growing debt that is blossoming. Now we are talking about the possibility of it doubling in the next 5 years. So we have to get at entitlements and tax reform.

The thing that is encouraging to me is, there is legislation I am introducing in the Senate that has been introduced in the House. It is called the SAFE Commission. It is sponsored by 52 House Members, 26 Republicans, 26 Democrats. It has the support of the Business Roundtable, the Heritage Foundation, the Concord Coalition, the Peterson Foundation. They have all voiced support.

What we are trying to do with this amendment to the budget is to have an acknowledgement of the fact that

money is set aside to fund a commission that will be set up.

I am hoping my colleagues don't get involved in one of these, "Well, I don't like the language of this," because we haven't gotten to the language yet. I am saying to my colleagues on the other side of the aisle and on my side that we have to negotiate the kind of vehicle we are going to use. Two years ago, the vehicle we had had more Republicans than Democrats because we controlled the Presidency, the House, and the Senate. The new legislation coming out, that I will support, will have more Democrats because the Democrats have the Presidency and the Senate and the House. It does provide that in order to get something, it be fast-tracked. They spend, say, 6 months looking at it and come up with tax and entitlement reform. They send it on an expedited procedure to the House and Senate. Before they do that, they have to have 75 percent of the people supporting it, and you have to have at least two Republicans. That does bring in minority participation.

What I am afraid of is that I have heard Senator CONRAD say: I don't like the idea that it has to be even-steven. The main thing is, I would like the Senate to go on record that we will create a fund that will fund a commission that will finally get to the entitlement problem we have had now for a long time. The bottom line is, we have this avalanche that has hit us. We are in trouble. But at the same time, underlying that, we have the problem of this long-term national debt. Everybody is aware of the challenge.

Recently, Premier Wen pointed out that he is concerned about what we are doing. Europe is concerned about what we are doing. Canada is worried about it. They are saying: You folks haven't been willing to take on your entitlement and tax reform. What bothers me is that if we don't deal with this and our neighbors start to get leery of what we are doing, we could see interest rates skyrocket because everybody acknowledges that as long as we are getting money from China, Japan, and the OPEC nations, we will be able to borrow money at a cheap rate. But if they lose confidence that we have not been willing to stand and do what we are supposed to, that could change dramatically.

I urge my colleagues to look at this not as we are drafting the legislation. What we are saying is, we acknowledge there is a problem that needs to be dealt with. Peter Orszag understands there is a problem. He was with this effort 2 years ago. Now he has been "I am not sure how we want to do this." All I would like to do is to come in with a bipartisan commission that says: We are willing to tackle this. Give it to the administration and say: If you don't like it, what is better than what we have?

We have to get going on this. We cannot keep putting it under the rug. We need to deal with it.

I have a lot of other words to speak today, but I hope I get the message across to everyone that all we are basically doing is setting aside money to pay for a commission, the complexity of which and the rules of which are something we will have to try and come up with a compromise on. We have an amendment, Senator LIEBERMAN and I, that is less restrictive than Senator GREGG's. Apparently, that language bothers Senator CONRAD. All I know is, I would like us to go on record that we know there is a problem. We know we can't get it done in the regular order doing tax reform and entitlement reform. We need a commission to take it on as we did with Social Security. They took it on. We got together, came back with a recommendation, and got it done.

I urge colleagues to look at the big picture and not get tied in with this is a Republican thing or a Democratic thing. It is a problem for America. It is a Republican and Democratic problem. It is America's problem. We have to do something about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 776

Mrs. SHAHEEN. Madam President, I ask unanimous consent to set aside the pending amendment, call up my amendment No. 776, and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself, Mr. KAUFMAN, and Ms. MIKULSKI, proposes an amendment numbered 776.

Mrs. SHAHEEN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a reserve fund for monitoring of FHA-insured lending)

At the end of title II, insert the following:
SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that Senators KAUFMAN and MIKULSKI be added as cosponsors.

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

Mrs. SHAHEEN. Madam President, my amendment is simple and straightforward. It would establish a deficit-neutral reserve fund to monitor FHA-approved loans. The Federal Housing Administration, the FHA, plays an increasingly critical role in promoting home ownership during these tough economic times. The FHA insures one-third of all new mortgages. The number of FHA-approved lenders has doubled in the past 2 years. However, the Department of Housing and Urban Development has not received additional resources to expand its efforts to investigate claims of fraud.

Recent reports of a rise in borrowers who haven't made even one payment suggest that fraudulent activity has increased among FHA-backed loans. Should that activity continue to increase, FHA and its critical work could be put at risk. As we all know, in the runup to the subprime crisis, many fraudulent lenders pushed borrowers into mortgages and refinancings that they could not afford just to collect the commissions and fees. We need to make sure we prevent that activity from migrating to federally insured loans which would put taxpayers at risk for footing the bill of another bailout. This amendment addresses the need for HUD to properly investigate and remove fraudulent lenders from the program wherever appropriate. It creates a deficit-neutral reserve fund—a deficit-neutral fund—to increase the capacity of the inspector general of Housing and Urban Development to investigate cases of fraud of FHA loans.

I am hopeful my colleagues will join in this effort and support my amendment. As we all know, at this critical time when we are trying to make sure there are stimulus funds available and that we are doing all we can in Government to support the ability of the private sector to respond to this economic decline we are in, we need to make sure we have the oversight capability to run programs as effectively and efficiently as possible. That is what this amendment would help accomplish.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 844

Mr. CRAPO. Madam President, in a few moments I am going to send an amendment to the desk. It is on its way over here right now. I would like to speak about it for a few minutes until it arrives, at which point I will ask to set aside the pending amendment and offer the amendment.

The amendment I wish to offer is very critical. We debate budgets every year in Congress, and most of the years I have served here—I was elected in

1993 and served 6 years in the House, and now I am in my second term in the Senate—most of those years we have adopted a budget resolution. Some of those years we were not able to get the necessary votes to adopt one. But as we proceeded and moved forward in the deliberations of these budgets, I noted an interesting thing: Some years we would have a 10-year budget we looked at. We would have the year we were actually working on—and in this case, we are working on the 2010 budget—and then we would project out 9 more years and say: We expect, in the next 10 years following the year we are working on, to see the following budget numbers be honored with regard to defense spending or nondefense discretionary spending or the like. Sometimes we only look out 5 years.

This year, the President submitted a budget that looked out 10 years. The Budget Committee, however, took that budget window and reduced it to 5 years. The reason I point this out is because as we talk about what the budget is going to do and what the fiscal impact of the decisions we are debating today is going to be, we always talk about whether the budget is going to get us on a glide path to balancing our Federal budget, what kinds of deficits are going to mount in the outyears, what kinds of tax increases or tax reductions are going to be accomplished in the budget. Yet, if you look closely at these budget documents and if you look closely at this budget document, all the tough decisions are always in the outyears. I should not say that is always the case because I have to say that occasionally Congress has stepped up to the plate and has made some tough decisions. But it is not the commonplace occurrence.

Let me give you an example. The amendment I am going to offer would cap the first 3 years of this proposed budget in terms of nondefense discretionary spending. In other words, it would say this budget proposes the following spending in nondefense discretionary categories for 2010, 2011, and 2012, and thereafter, and my amendment would say that the numbers that are proposed in this budget will be binding on Congress. In other words, if we adopt this budget, we will follow it. And I am only saying for 3 years. I am not even saying for the full 5-year window the Budget Committee has put forward or for the full 10-year window the President has put forward.

Why is this so important? Sometimes I jokingly say that during the time I have served in Congress, I have never made it to year 2 of any budget because every time we do a budget—whether it is a 10-year budget or a 5-year budget—we always implement the first year of that budget and then next year, when we come back, we seem to forget about what the budget projections were and what our promises to the American public were, and we start all over again and we do another 5-year budget. And year 1 of the next 5-year budget does

not even look like what year 2 of the last budget was.

Let me give you an example. I was going to have some charts ready, but the opportunity to speak came before the charts got here. If I could show you those charts, I would show you that for the 2010 budget year we are working on today, if you had looked at what Congress said it was going to do this year 3 or 4 years ago, and then you looked at what Congress said it was going to do this year 2 years ago, and then you looked at what Congress said it was going to do this year 1 year ago, and then you looked at what Congress is proposing to do this year, they are not at all similar. As you might guess, the proposed spending in this year's budget for this year is far in excess of what the projections were in the previous budgets which we debated and voted on.

Let me put it another way. This year, we are looking at a 5-year window. The increase in nondefense discretionary spending in the first year of this budget we are talking about is approximately 7.3 percent—well over double the rate of the growth of the economy.

Just as a note, last year, the budget that we adopted finally in the Omnibus appropriations bill increased nondefense discretionary spending by about 10 percent. So in just 2 years, we have seen nondefense discretionary spending increase by about 15 to 17 or maybe even more percent.

Well, back to the budget. The proposed increase in nondefense discretionary spending for this year in this budget is about 7.3 percent. But the promise is: OK, we have to spend that much this year, but we are going to be better in the outyears. So in the second year of this budget, the proposed increase is down, I believe, around 1 percent. In the third year, I believe that proposed increase is about 1.5 to 2 percent.

But my point is, we are not going to get to those years. We never adopt the next year—the second year and the third year and the fourth year and the fifth year in these budgets we debate.

So all my amendment will do is this: If we are telling the American public we have to increase our discretionary spending by 15 to 20 percent over the last 2 years—7 percent alone in this budget year—but that we are going to be fiscally more conservative and responsible in the outyears, let's make that binding. Let's at least say for the next couple of years we have to follow the budget we are debating. All we would need to do in order to accomplish that is to put some caps on that nondefense discretionary spending as we move into it in the outyears.

Every time we look at this, the spending goes up. If you look at the actual rate of growth in our budget, it is unsustainable. What we need to do is to be straightforward with the American people as we approach this. Anything else is just window dressing. All of the numbers we are talking about today

and all of the projections we are talking about—how we are going to try to bring the deficit under control or reduce the national debt—are simply window dressing if we do not make them binding, other than the first year of this budget. That is what will really be binding.

I will say it again: The only thing that will really be binding in this budget, if we adopt this budget resolution, is the first year. This amendment would make, in the nondefense discretionary spending portion of the budget, the second and the third year numbers binding. By doing so, Congress would actually be setting some parameters for itself so we could have a firm confidence that as we move forward, we will be able to have the kind of deficit reduction and spending restraint we always talk about.

Madam President, at this time, I send to the desk an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 844.

Mr. CRAPO. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to protect the fiscal discipline on discretionary spending exercised by the reported budget resolution by extending the resolution's discretionary spending limits to exactly the same level as already assumed in the resolution to make sure that debt is not increased further than contemplated by this budget resolution as a result of subsequent budget resolutions or appropriation bills)

On page 50, line 12, strike "and".

On page 50, insert after line 15:

"(3) for fiscal year 2011, \$1,092,921,000 in new budget authority;

(4) for fiscal year 2012, \$1,112,047,000 in new budget authority; and"

On page 49, insert on line 12 after the word "bill":

“, concurrent resolution.”.

Mr. CRAPO. Madam President, as I have said, the amendment is very simple, and it really speaks for itself. It simply says that instead of debating numbers that do not mean anything, let's put some meaning and some authority behind the numbers we are debating. Let's not continue the game Congress continues to play year after year whereby we adopt a budget with no hard decisions in the first year, which is the only binding year, and all the tough decisions in the outyears are not binding and never reached. And let's say we are serious about it.

I have even agreed in my amendment to accept the high numbers in the first year. I personally would prefer to have some restraint now in the first year of this budget, and instead of increasing spending in this Government by 7.3 percent, I would rather reduce it to the

rate of the growth of the economy or below that, and let's start catching up a little bit with regard to the spending we are engaged in.

Many people have said on this floor that this budget spends too much, it taxes too much, and it borrows too much. The most significant portion of all of that occurs in this first year. Let's get to some of the restraint that is promised in the second and third years by adopting this amendment, putting the caps on the nondefense discretionary spending categories, and make sure Congress, like the households and businesses across this Nation, tightens its belt and follows a budget.

Madam President, I yield the floor.

Mr. CONRAD. Madam President, first of all, I wish to thank the Senator for his amendment and especially thank him for the contribution he makes on budget issues. He is a thoughtful and responsible Member. I thank him for his service.

With respect to the amendment he has offered, we have a difference on this issue, and the difference is this: What he said is exactly right in the sense that we have a budget which is really effective for 1 year because we have caps for 1 year. But more than that, we are going to be back doing another budget resolution next year, so, frankly, having outyear caps doesn't mean very much. What matters are the caps for this year, and the caps we have in this budget pertain to this year. The outyear caps he is referencing—we will have another budget next year, and we will deal with that next year.

Unfortunately, what has happened in the past on these caps is people have found a way to game them, and especially in the outyears. How do they do that? They come up with all of these advanced funding schemes to get around the outyear caps. What else do they do? They label as "emergencies" things that are really not. For example, we saw war funding in the third year of the war in Iraq and in the fourth year of the war in Iraq labeled as emergency by the previous administration as if we didn't know the war was still going on.

So I say to our colleagues, the budget resolution before us has a cap for 2010, and the outyear caps, to me, are superfluous because we are going to have another budget resolution next year.

I wish to also point out that the budget that is before us, in fact, has reduced the President's request on domestic spending by over \$160 billion, and \$15 billion in this year alone.

I say to my colleagues, anybody who doesn't understand the magnitude of those cuts, come and join me in my office, or come and join me at the meetings, such as the meeting I had yesterday with certain of my colleagues who were very upset because for the next 5 years, the average annual increase in non-defense discretionary spending is 2.5 percent—2.5 percent. The Senator says, fairly, that you can have a budget

that says that, but if it is not enforced by caps, it will be revised.

The truth is, that is the case whether you have outyear caps or not. It is just the reality because we will be doing a budget next year, and more than that, because there is nothing quite so creative as the mind of man.

I will tell my colleagues, in my 22 years on the Budget Committee, I have seen every conceivable dodge to get around caps. I think I have learned them all. I just hope very much that we get about the business of putting together a longer-term plan that deals with reforming the entitlements, reforming the tax structure, so we can get on a much more sustainable, long-term base.

With that, could the Chair inform me how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has used 4 minutes, and the Senator from Idaho has used 2 minutes.

Mr. CONRAD. And how much time remains?

The PRESIDING OFFICER. There is 56 minutes remaining for the Senator from North Dakota and 58 minutes for the Senator from Idaho.

Mr. CRAPO. Madam President, could I just have a couple of minutes before we move on to the next item?

Mr. CONRAD. How much more time would the Senator like on this?

Mr. CRAPO. Two or three minutes is all.

Mr. CONRAD. Madam President, I ask unanimous consent that the Senator from Idaho have an additional 3 minutes, that I have an additional minute on this matter, and then—what is the next order of business?

The PRESIDING OFFICER. There is no amendment to follow.

Mr. CONRAD. OK. I think we have been trying to go back and forth. Senator TESTER, I see, is here. How much time does the Senator seek?

Mr. TESTER. Five or ten minutes. I will probably use 5 minutes.

Mr. CONRAD. OK. Would it be OK if we ask for 7 minutes?

Mr. TESTER. That is perfect.

Mr. CONRAD. Seven minutes for the Senator from Montana, and then who is up next, Senator BUNNING?

Mr. BUNNING. I have about 15 minutes.

Mr. CONRAD. And will the Senator want to offer an amendment?

Mr. BUNNING. I am going to talk about two amendments, but I am going to wait to offer them through the vote-a-rama tomorrow.

Mr. CONRAD. The Senator deserves a special place. What a good example for other colleagues.

So we go to Senator BUNNING, then, for 15 minutes after Senator TESTER. Is Senator ENSIGN seeking time?

Mr. ENSIGN. I need about 10 minutes.

Mr. CONRAD. We have Senator REED coming at 1:45. He would be next for how long? Well, maybe we could allocate 10 minutes to Senator REED, and then Senator ENSIGN, how much time?

Mr. ENSIGN. I would need just 10 minutes. If I could just get my amendment pending then I could speak later in the day.

Mr. CONRAD. We have not seen the amendment.

Mr. ENSIGN. This is the Medicare prescription Part D, means testing amendment.

Mr. CONRAD. If we could then do Senator ENSIGN for 10 minutes.

Mr. ENSIGN. Would you allow me to offer it to get it pending and then I can come back later?

Mr. CONRAD. Yes. Is that acceptable?

Mr. ENSIGN. I am not going to speak now; I just wish to get it pending at this point.

Mr. CONRAD. Well, they have another Senator coming. The problem is, we have now allocated time that is going to go way past what is in this consent agreement.

If Senator ENSIGN just called up his amendment, would that be—

Mr. ENSIGN. That is all I want to do.

Mr. CONRAD. OK. Let's go then in the order we had. Senator CRAPO had a couple of more minutes, and then I would take some time and then we would go back to Senator TESTER and then to Senator BUNNING.

Mr. CRAPO. Should we let Senator ENSIGN go right now?

Mr. CONRAD. If you would just call it up.

AMENDMENT NO. 805

Mr. ENSIGN. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 805.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, and Mr. ENZI, proposes an amendment numbered 805.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require certain higher-income beneficiaries enrolled in the Medicare prescription drug benefit to pay higher premiums, as is currently required for physicians' services and outpatient services, and as proposed in the budget of the United States Government most recently submitted by the President)

On page 4, line 15, decrease the amount by \$303,420,000.

On page 4, line 16, decrease the amount by \$475,732,000.

On page 4, line 17, decrease the amount by \$599,908,000.

On page 4, line 18, decrease the amount by \$755,924,000.

On page 4, line 24, decrease the amount by \$303,420,000.

On page 4, line 25, decrease the amount by \$475,732,000.

On page 5, line 1, decrease the amount by \$599,908,000.

On page 5, line 2, decrease the amount by \$755,924,000.

On page 5, line 8, decrease the amount by \$303,420,000.

On page 5, line 9, decrease the amount by \$475,732,000.

On page 5, line 10, decrease the amount by \$599,908,000.

On page 5, line 11, decrease the amount by \$755,924,000.

On page 5, line 18, decrease the amount by \$303,420,000.

On page 5, line 19, decrease the amount by \$779,152,000.

On page 5, line 20, decrease the amount by \$1,379,060,000.

On page 5, line 21, decrease the amount by \$2,134,984,000.

On page 6, line 1, decrease the amount by \$303,420,000.

On page 6, line 2, decrease the amount by \$779,152,000.

On page 6, line 3, decrease the amount by \$1,379,060,000.

On page 6, line 4, decrease the amount by \$2,134,984,000.

On page 21, line 3, decrease the amount by \$300,000,000.

On page 21, line 4, decrease the amount by \$300,000,000.

On page 21, line 7, decrease the amount by \$460,000,000.

On page 21, line 8, decrease the amount by \$460,000,000.

On page 21, line 11, decrease the amount by \$560,000,000.

On page 21, line 12, decrease the amount by \$560,000,000.

On page 21, line 15, decrease the amount by \$680,000,000.

On page 21, line 16, decrease the amount by \$680,000,000.

On page 27, line 3, decrease the amount by \$3,420,000.

On page 27, line 4, decrease the amount by \$3,420,000.

On page 27, line 7, decrease the amount by \$15,732,000.

On page 27, line 8, decrease the amount by \$15,732,000.

On page 27, line 11, decrease the amount by \$39,908,000.

On page 27, line 12, decrease the amount by \$39,908,000.

On page 27, line 15, decrease the amount by \$75,924,000.

On page 27, line 16, decrease the amount by \$75,924,000.

Mr. ENSIGN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent that we return to the previous amendment.

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

AMENDMENT NO. 844

Mr. CRAPO. Madam President, I will be brief. I do appreciate Senator CONRAD and the service he provides to us as the chairman of the Budget Committee. He makes some very good points. It is true that Congress can come back at any time and change the caps that we might put on today, but at least the Congress would have to debate that and would have to make a conscious decision that America could watch, and Congress would have to say to America: You know what. We are not going to do what we said we would do. If we don't put caps on this budget, then there is nothing the Congress has to do but adopt another budget resolution.

By the way, I also appreciate the fact that some of the emergency spending and the other games that are used in Congress to get around caps are identified by the chairman as difficult problems. We need to have much less of that gamesmanship and much more following of the rules in our budget so that Americans can truly see how much is spent and how much is being taxed as we move into these budgets.

I wish to give a couple of examples to show what I am talking about before I conclude. If we were to look at the fiscal year budget authority for 2009; that is, the budget year we have just finished with the Omnibus appropriations bill a few weeks back—in 2006, we said in 2009 we were going to spend \$409-plus billion. In 2007, we didn't get a budget report because we couldn't reach agreement on one. In 2008, we said that number was going to be \$465 billion. In 2009, we actually said it was going to be about \$480 billion—or \$488 billion. The real number ended up being almost \$800 billion.

I realize there was some stimulus package money in there, some TARP spending, and so forth. The point is, it went up from the projection in 2006 of \$409 billion to a reality, even without the TARP and other dollars, of around \$500 billion.

What about this year we are talking about right now? The proposed budget for this year, I think, is around \$525 million for nondefense discretionary spending. That is what we are debating on the floor today. Well, in 2006 when we debated the budget and set our projections, that number was around \$409 billion; in 2008, \$476 billion; in 2009, \$492 billion; now, as we move forward to the final projection, \$525 billion.

The point I make is that every year Congress says this is what we are going to spend in the outyears, and every time we come back to it we never follow those requirements. We should put caps on at least the first 2 outyears so that when Congress comes back to deliberate again, and when the President submits a budget to us next year, there are fiscal caps for nondefense discretionary spending requiring the restraint we are promising Americans we will someday get to.

Congress has a pattern of spending more and more and more every year. As I have indicated, nondefense discretionary spending has gone up 15 to 17 percent the last 2 years. The fact is, it is time for us to adopt this amendment and put caps on the first 3 years of this budget to force some fiscal restraint in Congress.

Thank you, Madam President. I yield the floor.

Mr. CONRAD. Madam President, just briefly, in a way, the Senator makes my point because none of us can foresee what happens 2 and 3 years from now. That is why we do an annual budget resolution. The numbers he just cited—who knew we were going to fall off the edge and have a precipitous decline in the economy?

So what really matters to me is to have a 1-year cap that is enforceable. We will be right back here with a budget resolution next year and can extend enforceable caps at that time.

According to the order that has been entered into, I am happy to yield back my time and go to Senator TESTER for 7 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I thank the Senator from North Dakota. I rise today to talk more globally about the budget. After 8 long years of failed Federal policies that have driven our economy into the ditch, the Senate this week is finally considering a budget that sets us on the right path—a path that will get us out of the ditch—with balanced priorities for the American people. It is about time.

Last week, more than 5.5 million people filed for unemployment claims in this country. Unfortunately, that is a new record. Overall, the economy declined at an annual rate of 6.3 percent in the fourth quarter of last year, and experts say it is continuing to shrink. We are feeling the effects in Montana in the mining industry, wood products industry, and especially in the construction industry.

In fact, every county in northwestern Montana is suffering from unemployment that is at 10 percent or worse. At last week's annual employment expo in Kalispell, MT, 4,000 Montanans showed up looking for a job. That is an increase of 1,500 from last year; nearly a 40-percent increase. Times are tough.

Some DC politicians say: Don't worry about it; the recession is temporary. But let me tell my colleagues, for folks who have lost their jobs or who fear they will lose their jobs at any time, that kind of attitude is out of touch. We need action now, and this Congress is working with the President to provide that help.

Earlier this year, we passed the American Recovery and Reinvestment Act, which I call the JOBS bill. The JOBS bill is creating and keeping millions of jobs, and it is pumping hundreds of millions of dollars into our State's economy to build roads, water systems, repair our schools, health care facilities, and energy projects. Throughout Montana and across rural America our infrastructure is worn out. This JOBS bill is a first step to rebuild our economy from the ground up by reinvesting in infrastructure and providing tax relief for hard-working Americans. This budget is the next step in that effort.

For far too long in this town budget policies were set by folks whose ideology said "deficits don't matter," as Vice President Cheney famously put it.

That was nonsense then and it is nonsense now. Unfortunately, the legacy of that ideology is a national debt that doubled between 2001 and 2007. I thank the chairman of the Budget Committee, KENT CONRAD. We are cutting those record Republican deficits in half

in just 3 years. That cannot be the end of the story, but it is a good start.

Once we get the economy up and running again, we are going to need tough fiscal discipline to pay off the piles of debt run up by the previous administration and its allies in Congress.

Some DC politicians claim the budget mess left to us by the Bush administration is an excuse to do nothing on urgent priorities such as energy, education, health care, and tax relief for middle-class families and Main Street small businesses. Continuing to accept those excuses would be the worst mistake we could possibly make.

For example, we must take action on comprehensive plans to overhaul our energy policy to make America energy secure once and for all. Our national security depends on us getting that right. Energy security is national security. Ask the Eastern Europeans how it felt when the Russians cut off their natural gas supply in the middle of winter. We need to take aggressive action on energy policy. We cannot wait until gasoline prices push to \$5 a gallon again. We must try to develop a broad-based energy policy, and we must act now.

Instead of a balanced energy policy to ensure our security with renewables and conservation measures, some people want to see us drilling more in our untouched hunting and fishing habitat places, such as the Rocky Mountain Front. This makes no sense. There are places we should drill, and Rocky Mountain Front is not one of them.

Montana has always been an energy resources-producing State, and we always will be. But we need to protect our outdoor heritage and invest in sustainable, renewable sources of energy such as biofuels, wind, solar, and geothermal power.

This budget outline builds on the JOBS bill's investment in renewable energy, efficiency and conservation, low carbon coal technology, and modernizing the electrical grid.

This budget also puts a priority on education. My life tells the story of the power of education and the opportunity it provides. For me, the grandson of dry land homesteaders, to be selected by my friends and neighbors in the State of Montana to serve them in the Senate, that is a story that is only possible because of my education. Smart investments in education generate economic growth and jobs. Education and training prepare our workers to compete in a global economy.

This budget prioritizes education from early childhood initiatives, such as Head Start, all the way up to Pell grants to make college more affordable.

Some on the other side also argue their budget deficits are an excuse not to reform health care in this country, but I believe we cannot afford to wait. We have to rebuild our health care system because it is broken. Too many Americans lack health care. Too many families live every day in fear that one illness could ruin them.

This budget starts us down the road of allowing Congress and the President to work together to reform our Nation's health care system so our families can thrive.

I know this budget process is always a partisan exercise, but it is my hope that when we start to work out the details of health care reform, we do it in a bipartisan manner. That is an issue that impacts every American family. So I hope we can work together to pass commonsense solutions.

Again, I thank Senator CONRAD and the Budget Committee for producing a budget that continues to support one of my highest priorities since coming to the Senate—honoring the service and commitment of our Nation's veterans and their families.

This budget builds on bipartisan efforts in the last 2 years to boost funding to get the VA into working order. At long last, the quality of care at the VA is starting to improve. We have begun to bring some priority 8 veterans back into the system. This budget provides resources to continue those important steps.

Finally, we need to pass this budget resolution to ensure middle-class tax relief, so ordinary folks can get ahead and our Main Street small businesses can prosper.

This budget resolution is our national mission statement. The mission of this Congress is to work with the President to get us out of the ditch and rebuild our economy from the ground up by cutting the Republican deficit in half and investing in important priorities, such as energy, education, health care, middle-class families, and small businesses.

No budget is perfect, and I look forward to supporting amendments that can improve this one. But this is a responsible budget with balanced priorities. I urge the Senate to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I rise to discuss the fiscal year 2010 budget. I also plan to discuss two amendments—Nos. 817 and 818—which I would like to see considered.

As a member of the Budget Committee, I spoke on this budget last week during the committee consideration. I was unable to support it then, and unless truly major changes are made on the Senate floor this week, I will not be able to support it as it comes up for a vote.

Since the President first gave us a preview of his plan, we have heard a lot about this year's budget. I have found it to be very troubling. The budget proposed by the Obama administration is unworkable, and I think everyone knows that. It spends too much, taxes too much, and borrows too much.

The numbers in the President's proposal were appalling to anyone who believes in any kind of fiscal restraint. It got even worse 2 weeks ago, when the Congressional Budget Office predicted

the numbers used by the administration were far too optimistic. The President's proposal would double the publicly held national debt to more than \$15 trillion. Annual spending would leap from \$24,000 per household to about \$32,000 per household. This plan would also raise taxes by \$1.4 trillion over 10 years. The increase in debt is also staggering. The President's proposal would double the debt held by the public in 5 years and nearly triple it over 10 years.

In fact, the proposal would create more debt than every previous President from George Washington to George W. Bush. With numbers such as that, it is not surprising that the authors of this budget resolution before us today had to make some changes.

While I applaud the efforts of Chairman CONRAD to attempt to rein in some of the worst aspects of the administration's budget proposal, it appears we may only have an "Obama lite" version before us. In fact, Peter Orszag, Director of the Office of Management and Budget, tells us the two versions are 98 percent the same. The budget on the floor still has the same problems and, in some cases, new problems.

President Obama promised a new era of transparency in Government. This is one reason why he submitted a 10-year budget proposal. However, the proposal before us is only a 5-year projection. Also, the President's budget assumed that Congress would continue to patch the alternative minimum tax, which digs deeper and deeper into the middle class each year. This budget assumes it will be fixed for only the first 3 years of this 5-year plan. Everyone here knows we are going to have to take care of those other 2 years, as we should. However, it looks like we still have more tax increase here.

It defies logic that this budget targets tax hikes on the very people who are good at creating jobs. We know that 70 percent of all job growth in the United States—when we had it—came from small business. This budget penalizes the people who are responsible for two-thirds of the small business jobs. One of the most basic economic principles is that if you want less of an activity, you tax it more. Well, we must want less job creation.

Maybe we only want to create jobs for Government bureaucrats who spend other people's money and our grandchildren's and children's money.

As I have outlined, this budget has many other problems. It spends too much, taxes too much, and borrows too much. I urge my colleagues to join me in supporting changes that would make this a responsible and fair piece of legislation.

I also wish to take a few minutes to talk about the two amendments I will be introducing later in the marathon we have tomorrow. The first is especially important for many of our seniors because it deals with taxes on Social Security benefits. The amendment I will be offering sets up a deficit-neu-

tral reserve fund to repeal the 1993 increase in the income tax on Social Security benefits. I brought this issue before the House and before this Chamber before. In fact, earlier this year on a stimulus bill, I offered an amendment to repeal this unfair tax for just 1 year. That amendment failed.

With this amendment, I am taking a different tack and using a deficit-neutral reserve fund to repeal the 1993 Social Security tax increase completely. This should be familiar to the chairman of the Senate Budget Committee, since he offered a similar amendment using a deficit-neutral reserve fund during the budget consideration last year. I remind my colleagues that his amendment passed last year by a vote of 53 yeas to 46 nays.

When the Social Security program was created, benefits were not taxed at all. However, in 1983, Congress changed the rules of the game by passing legislation to taxing up to 50 percent of a senior's Social Security benefit if their income was over \$25,000 for a single individual or \$32,000 for a couple. In 1993, as I sat on the Ways and Means Committee at the time, Congress felt that taxing 50 percent of benefits wasn't good enough.

That year, Congress passed, and President Clinton signed, a bill that allows 85 percent of a senior's Social Security benefits to be taxed if their income was above \$34,000 for a single taxpayer or \$44,000 for a couple. The additional money this tax raises doesn't even go to help Social Security's solvency. It goes, instead, to the Medicare Part A Program. I opposed this tax increase then, and I oppose it today, because 14 million seniors are hit by an 85-percent tax on their Social Security benefits.

On one hand, we tell seniors to plan and save for retirement; on the other hand, we tax them for doing just that. This amendment puts the Senate on record that this 85-percent tax tier would be eliminated, and the maximum amount of Social Security benefits that could be taxed would be 50 percent.

If Congress passed legislation to do this, millions of seniors would be able to keep more of their Social Security benefits. I hope my colleagues can support this amendment when it comes up for consideration.

I am offering another amendment to pave the way for relieving taxpayers who have suffered devastating capital losses during these troubled economic times. Many taxpayers have been forced to sell their homes, stocks or any kind of capital asset at a loss. Our constituents will be stunned to learn they can only deduct \$3,000 of those losses from their adjusted gross income. The \$3,000 limit was set in 1976, when tax writers seemed to be ignorant about the impact of inflation. That limit is ridiculous in today's dollars.

My amendment creates a deficit-neutral reserve fund for increasing the capital loss deduction. If it helps strug-

gling taxpayers, we have to do it because if we raised that deduction from \$3,000 and adjusted it for inflation, it would be over what I propose—at \$15,000, which you could deduct from your adjusted gross. Prominent economists have noted that by eliminating some of the downside risks of investing, increasing the capital loss deduction will stimulate investment and economic growth.

This amendment is a winner for taxpayers and a winner for our economy at a time when they both need some wins.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise in support of this budget resolution. I particularly commend Senator CONRAD for his extraordinary work.

Later, at the conclusion of my brief remarks, I will call up an amendment.

We have a situation that is unprecedented in the history of the country—extraordinary economic challenges, extraordinary international challenges. This budget resolution is designed to and will, I believe, help get our economy moving again and serve as a catalyst for job creation and for long-term growth. It will also put this Nation on a sustainable path in a fiscal dimension. The budget resolution reflects a commitment to transparency and restores honesty and integrity to the process. The budget incorporates the cost of the wars in Iraq and Afghanistan, which were notably neglected in past budgets. It enhances oversight of Government, including defense procurement spending, to root out waste, fraud, and abuse.

We are in very challenging circumstances, both domestically and internationally, and this budget reflects and faces up to those challenges.

Against these daunting challenges, the priorities reflected in the budget are clear: lower the tax burden on working men and women and small businesses, trim health care costs, invest in education, and reduce our dependency on foreign oil.

For too long, these challenges have undermined our economic vitality, and they will continue to drive down progress unless we take essential steps, as reflected in this budget, to deal with them. These are reasonable and necessary provisions. They represent a way to grow our economy and put more money in the pockets of middle-class Americans.

We are inheriting a weakened fiscal position based on the policies of the last 8 years, marked by an economic ideology that extended significant tax cuts to the very wealthiest, skewing these tax cuts so they benefited a very few rather than ordinary Americans.

The Obama administration inherited an economic mess, a \$1.3 trillion budget deficit and a near doubling of the public debt, rising from \$3.3 trillion in 2001 to \$5.8 trillion in 2008. This doubling of our debt occurred at a time of

macroeconomic prosperity and strong productivity growth. Yet, for middle-class Americans who have been working harder and more innovatively, there is little or no job creation. In fact, family incomes fell \$2,000 between 2000 and 2007. Simply put, most families saw their income fall by \$2,000 in a period of economic boom and prosperity, and we have to reverse that. We have to make an economy that will provide the jobs and the growth of income that Americans depend upon to educate their children, provide for their health care needs, and to contribute to their community.

This budget will provide that path of sustainable economic growth. It will do so by making investments to counter some of the downward spiral we have seen over the last several years.

It will invest in tax reform. This budget provides tax cuts for 95 percent of working Americans. It will close tax loopholes to ensure that we are all paying our fair share. It will eliminate some complicated, sophisticated tax shelters that benefit the wealthy but do not benefit working families.

In addition, it will focus on health care reform, which is necessary not only for our position as citizens but also for our economic future. Despite technological innovation, despite technological advances in medicine, far too many of these basic services are out of reach of Americans. They are simply not affordable or accessible. This budget will set the parameters for significant health care reform.

It will also begin to address the issue of global warming, which has huge implications internationally.

Mr. CONRAD. Mr. President, if I can speak to the Senator through the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. I gladly yield to the Senator.

Mr. CONRAD. In addressing the Chair, first of all, I apologize to the Senator for interrupting. It is important that we get another unanimous consent agreement in effect at this moment.

I ask unanimous consent that at the conclusion of Senator REED's discussion, Senator JOHANNIS be recognized for 12 minutes and that Senator WHITEHOUSE then be recognized for 12 minutes. I make that request.

The PRESIDING OFFICER. Is this for debate only?

Mr. CONRAD. This is for debate only.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Does Senator JOHANNIS have an amendment to offer?

Mr. JOHANNIS. It is not an amendment but a motion. I can provide it to the Senator from North Dakota.

Mr. CONRAD. If the Senator could discuss it but not formally offer it so we get it in the right place in the queue—would that be acceptable to the Senator?

Mr. JOHANNIS. Mr. President, that is acceptable.

Mr. GREGG. Mr. President, I want to make sure the Senator's rights are protected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. We are going to get a vote on the Senator's amendment prior to the vote-arama?

Mr. CONRAD. Absolutely.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. CONRAD. I ask unanimous consent that Senator REED be able to call up his amendment.

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

Mr. REED. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. We are doing some quick arithmetic. There is 4 minutes remaining.

Mr. REED. Mr. President, can you remind me or let me know when 1 minute remains?

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. REED. Mr. President, we are dealing with a plethora of issues that are absolutely critical to the economic success of the country. I mentioned climate effects. I mentioned investment in reducing our carbon footprint. All of these have been outlined and provided for in this budget resolution.

We are also going a long way to invest in the future of the country through education. I am pleased to see that this proposal includes a deficit-neutral reserve fund for higher education to allow for expanding student aid.

I have worked with Senator COLLINS on an amendment to ensure that this reserve fund may be used for increased investments in the Leveraging Educational Assistance Partnership or LEAP program which provides critical need-based grant aid and support services to low-income students.

This budget also provides for increased spending on Pell Grants, and as such, invests in our greatest resource, the talent and innovation and imagination of America. In that sense, I think this is a very strong step forward.

The budget helps deal with the issues facing small business in terms of providing, for example, \$880 million for the Small Business Administration. It is small businesses, indeed, that create the jobs. Too often in the past, we have talked the talk but not walked the walk. This budget provides real resources for the Small Business Administration.

We have very difficult decisions to make, but we have made them before. I can recall being elected in 1990, beginning in 1991 with a huge deficit. Through the tough decisions we made here, a Democratic Congress following a Democratic Congress, we were able to not only turn the economy around but reduce the deficit. That is something we have to do going forward, and we must do that. I think this budget will position us to do that.

We have a difficult series of choices before us. I believe this budget and the work of Senator CONRAD have positioned us to respond to the crisis of the moment and positioned us to take opportunities of the future.

AMENDMENT NO. 836

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 836, the Reed-Snowe LIHEAP amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. SNOWE, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, and Mr. WHITEHOUSE, proposes an amendment numbered 836.

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assist (LIHEAP) by \$1.9 billion in FY 2010)

On page 21, line 24, increase the amount by \$1,900,000,000.

On page 21, line 25, increase the amount by \$1,330,000,000.

On page 22; line 4, increase the amount by \$532,000,000.

On page 22; line 8, increase the amount by \$38,000,000.

On page 27, line 23, decrease the amount by \$1,900,000,000.

On page 27, line 24, decrease the amount by \$1,330,000,000.

On page 28, line 3, decrease the amount by \$532,000,000.

On page 28, line 7, decrease the amount by \$38,000,000.

Mr. REED. Mr. President, very briefly, this amendment would enhance and increase funding for the LIHEAP program. It is a program that is absolutely essential as we see energy prices begin to creep up again. When it hits again next winter, we will need these funds. When heating costs increase this summer in the Southwest and Southeast, we will need these funds.

I am proud to join Senator SNOWE in supporting this amendment. I urge my colleagues to support it when it comes up for a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, under the consent agreement, I believe Senator JOHANNIS is recognized for 12 minutes, followed by Senator WHITEHOUSE. Then I understand Senator GRAHAM would like to speak on the Johannis amendment for 5 minutes. I ask unanimous consent that after Senator WHITEHOUSE, Senator GRAHAM be recognized for 5 minutes.

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

The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, just so we are clear on this procedure, I supplied a copy of my motion to the chairman of the Budget Committee. It is being reviewed. I would like the opportunity to speak on it now.

I rise to discuss this motion which I firmly believe would bring a bit of fiscal responsibility back to Washington

at a time where I fear spending restraint has gone out the door.

The budget before us increases non-defense discretionary spending by 9 percent. That translates into \$42 billion over last year's levels. My motion would instruct the Budget Committee to take the budget resolution back to the committee and limit the overall increases to CBO's projected rate of inflation. The motion asks that we do this for each of the budget years. The motion would save \$36 billion in 2010 and \$194 billion over the 5-year budget window.

I would like to point out that my motion does not attempt to dictate which programs are prioritized for funding or which are cut back. Instead, my motion ties the aggregate spending to the rate of inflation. It asks the Budget Committee to take a scalpel to the budget line by line, which is exactly what the President has promised to do. Government simply cannot be everything to everyone, and at some point, tough spending decisions do have to be made.

Some may wonder why I chose to limit spending to the rate of inflation. The answer to that is very straightforward. If the average cost of goods and services for folks has increased by a certain percentage, I believe it makes common sense to require the Federal Government to spend within the same range. The American people cut back during tough economic times. Yet their Government is blatantly rejecting that commonsense principle. If you do not have enough money to pay for something, well, you shouldn't buy it. While most American families are planning to spend less this year compared to last year, isn't it eminently sensible that their Government increase spending no more than the rate of inflation?

It is clear that this budget does not have enough revenue to pay for its price tag, \$3.6 trillion, even though it levies a massive tax increase on hard-working Americans to the collective tune of \$1.7 trillion. Instead, the budget piles more debt on more debt, so much so that the debt per household for fiscal year 2010 would be \$74,000. Considering that the average hourly wage in my home State is about \$17 an hour, it would take most Nebraskans about 4,200 hours to earn that much money. That is an astronomical amount of debt.

But why should people back home worry about the debt the Government continues to amass? Because debt becomes unsustainable. When this occurs, the interest consumes more and more of the revenue, leaving virtually no money left to fund programs. Then you find yourself borrowing more and more to offset the difference. It is not a productive dance—taking one step forward, two steps back, then one forward, three back, year after year, until pretty soon you are not on the dance floor, and if you are not careful, you are not even in the dancehall. We will be so indebted to our creditors, such as China,

that we will be watching through the dancehall window as economic engines of other nations carry the world economy.

Consider this sobering thought: If this budget passes, a few years from now we will be spending more on finance charges than on the entire defense budget. Put another way, our finance charges will be eight times the Nation's education budget. The budget before us is comparable to a family running up so much credit card debt that their finance charges are more than the house payment. We have lost our way.

Gone are the days when \$1 million was a significant amount of money to invest in a program. Some think it is a bargain if we just spend \$100 million or even \$1 billion. More and more commonplace are bills that actually spend \$1 trillion. How did we get spending so out of control?

It seems as if every time legislation is passed, we end up by just nonchalantly raising the debt limit. How long do you think our Nation can keep going down this course of unrestrained spending? Not very long.

We have a country that lives on credit, and we are close to maxing it out. Then what? Well, I will tell you what. Our dollar will be worth nothing. No one will want to invest in the United States, and economic growth will stall. I shudder at the thought.

I mentioned China a minute ago. They are the largest foreign holder of our debt. Why do we allow that to happen? I don't know about you, but we need something to change the course. This motion just simply takes a step back from bloated spending and a step forward to fiscal responsibility.

Before I yield the floor, I would like to offer a few short and very straightforward comments about an amendment that I offered on Monday. It has not yet come up for a vote. I hope the delay means my colleagues are thinking long and hard because it is an amendment that stands for the Senate.

It basically says: Don't use reconciliation for climate change legislation. First, climate change and energy are important enough that the Senate should deliberate these issues carefully. Haste leads to error and consequences. I remind my colleagues that budget reconciliation means far-reaching cap-and-trade legislation would only get 20 hours of debate. That is right. If the leadership keeps the Senate floor open all night long, a \$250-per-month increase in energy bills could pass the Senate in just 1 day.

Second, let's not permit the House to dictate how we do business in the Senate. I tried to suggest to my colleagues that the House budget is a Trojan horse meant to force the Senate's hand. Many of my colleagues understand and know exactly what the House leadership has in mind.

I know the chairman of the Budget Committee has indicated he will resist. I applaud him for that. I thank the

chairman. I note also that the chairman has been careful and thoughtful in his comments regarding the use of budget reconciliation. Again, I applaud that. I think my amendment just lays this issue before us and gives us the chance to stand for the Senate.

I would like to emphasize one other point. I have tried to make clear that the merits of climate change are not at issue. This body will thoughtfully consider climate change given the chance. What is uncertain—and the issue before us—is whether we have an open, robust debate and the opportunity to share with our constituents the content of the legislation and the amendments we offer.

I thank most Members on the other side of the aisle for their support and their reasoned approach. In fact, eight Members who are Democrats joined me in a letter to the leadership of the Budget Committee. My amendment directly addresses the concerns in that letter. In reality, the proposed solution in the letter is exactly what my amendment is doing.

Additionally, a man I respect a great deal, another Democratic Senator, the junior Senator from North Dakota, also indicated his opposition in his own letter. My amendment addresses these concerns.

The chairman of the Finance Committee has indicated that using reconciliation "is not a good idea." I could not agree more. House Democrats on the Energy and Commerce Committee urge the use of "hearings, markup and regular order" instead of budget reconciliation.

I could quote on and on from Members on both sides who have stood with me on this issue and have expressed their concern long before I arrived. I thank them for protecting the integrity of the Senate process, and I offered that amendment in that bipartisan spirit.

I yield the floor, and I yield my time. The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, under the order, Senator WHITEHOUSE is next.

If I could just say, Senator WHITEHOUSE is a very valued member of the Senate Budget Committee. He brings a wealth of experience to the committee, especially on health care, and he has been extremely energized on the issue of the use of information technology to reduce cost and improve health care outcomes. He has also been very focused on health care reform and the significant opportunity that is for the country, and, of course, global climate change, protecting the planet, and being concerned about environmental values.

We are very fortunate to have Senator WHITEHOUSE as part of the committee.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished chairman very much for those very kind and gracious

remarks, and I am indeed here to discuss the budget, and particularly the health care aspects of the budget.

This is the season. Here we go again, into the annual budget process, and as we have seen today on the Senate floor, our friends across the aisle are doing a great deal of complaining and not a great deal of contributing.

Are their complaints sincere? Well, perhaps. I am sure some are sincere. But in evaluating them, we should bear this in mind: Under George Bush, the difference between the budget projections he inherited from President Clinton and the budget performance he left for President Obama was a negative nearly \$9 trillion—a massive, reckless landslide of fair-weather debt.

Mr. CONRAD. Mr. President, will the Senator yield? Again, I apologize for interrupting.

Mr. WHITEHOUSE. Of course, I will yield.

Mr. CONRAD. Just for a moment, for the purpose of a unanimous consent request.

Mr. President, I ask unanimous consent that after Senator WHITEHOUSE is done, Senator GRAHAM be recognized for 5 minutes and then Senator ENZI for 5 minutes.

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

Mr. CONRAD. I apologize for this interruption, but I have to go to another committee to introduce someone who is up for a nomination. So I needed to do it at this moment to make certain there is a good flow.

I thank the Senator very much.

Mr. WHITEHOUSE. I understand perfectly, and I appreciate the chairman's diligence in ensuring a smooth flow of this important legislation.

So we have this litany of complaints from the side that is responsible for the Bush debt of nearly \$9 trillion. Now that President Obama has to dig out from under the Bush economic collapse, now that we are in a deep economic recession, now, in the one time when Government spending and borrowing is justified to get us through the economic trough we are going through, we are treated to lectures about debt from our free-borrowing friends. The party of "deficits don't matter" wakes up to this concern just in time, coincidentally, to thwart our new President.

The grotesque folly of the Bush debt was that it addressed things such as lowering tax rates for America's billionaires, not the core American priorities we need to address, in a country that is failing to educate its children as well as international competitors do, a country whose energy policy hurts everyone except oil-producing nations and the oil and coal industry, and a country mired in a disastrous health care system. President Obama's budget addresses these priorities.

Indeed, one of the highest priorities in our budget proposal for fiscal year 2010 is a badly needed and long-overdue reform of that broken and dysfunc-

tional health care system. I have spoken on this subject in the Chamber many times because unless something is done soon, health care's massive costs will overwhelm us. Already, the system costs well over \$2 trillion a year, and as our population ages, we face \$35 trillion in unfunded Medicare liabilities, with not a nickel set aside against those liabilities.

No one seriously now questions the need for fundamental health care reform, and it is time to come together to determine what that reform will look like and how we can get it done. That would be a productive thing to talk about with regard to this budget.

An event last Thursday marked an important step forward on health care reform. The American Cancer Society, the American Diabetes Association, the American Heart Association, and Consumers Union came together to issue a joint statement on the vital importance of including health care delivery system reform as part of any comprehensive health care legislation that Congress should move this year. I was proud to join them at their announcement, together with Senator SCHUMER and Senator ROCKEFELLER.

These organizations represent tens of millions of Americans—Americans living with chronic illness, with cancer, with diabetes, with heart disease, and millions more who are consumers of health care in this country. These organizations and their members understand the failures and the tragedies of our health care system. Separate and together, their voices are powerful, and I would like to share some of what they said.

The number of uninsured Americans exceeds 45 million. Health care costs are rising faster than incomes. We spend at least twice as much per capita on health care as our major trading partners, and we rank 37th in the World Health Organization's evaluation of health systems worldwide. The major chronic diseases—cancer, diabetes, cardiovascular diseases, and stroke—account for three out of every four deaths in the United States, and the estimated total direct and indirect health care costs for these chronic diseases exceeds \$700 billion each year. Much of America's chronic disease burden could be avoided through better coordination of care and by applying known best practices to prevent the onset and progression of these conditions at the primary, secondary, and tertiary levels.

While insurance coverage for all Americans is an important goal, we must give equal weight in the health care reform debate to changes that improve the quality of care, increase and improve the delivery of preventive services, and ensure that individuals always receive care that is safe, efficient, and without unnecessary interventions, tests, and treatment. To achieve these goals we must make structural changes: Improve our health information technology infrastructure; align financial incentives with evidence-based and cost-effective decision making; and develop a reliable process for assessing the health value of new technologies.

That is a part of the joint statement the American Cancer Society, the American Diabetes Association, the

American Heart Association, and Consumers Union issued last Thursday.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the joint statement I have just referred to.

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

(See exhibit 1.)

Mr. WHITEHOUSE. Also, on Thursday, Mr. President, Consumers Union presented new polling data about Americans' experiences with the health care delivery system that confirms the urgent need for delivery system reform. In the poll, 18 percent of respondents reported that either they or an immediate family member contracted an infection following a medical procedure, and more than 60 percent of those reported that the infection was severe or life-threatening. Mr. President, 13 percent of respondents have had their medical record misplaced, and 9 percent have received the wrong prescription from the pharmacist. Only half of adults—only half of adults—receive routine preventive medical tests, and for adults 35 years and younger, only 30 percent even visit a doctor for routine testing.

At our event last week, these organizations emphasized the importance of preventive care. As is so often the case in our health care system, no data or information is as compelling as a personal story, and we were fortunate on Thursday to hear an extraordinary one.

Gina Gavlak is a diabetes center and emergency department nurse and the vice chair of the American Diabetes Association's advocacy committee.

Gina was diagnosed with diabetes at age 10, and has been living with the disease for the last 29 years. She has worn an insulin pump 24 hours a day, 7 days a week, 365 days a year for the past 12 years. Before using the pump, Gina took over 21,000 insulin injections, an average of 6 times a day.

Gina has battled pre-existing condition rules and outrageously high insurance premiums, but her biggest battle has been the daily management of her disease. She has taken on this battle with extraordinary determination and diligence, and with exemplary results.

Through extremely careful monitoring and management, she has had only two hospitalizations and one emergency department visit due to diabetes. She has never missed a day of work because of diabetes. She has had two uncomplicated pregnancies resulting in the birth of her two healthy children.

Gina's story is both poignant and important. It shows the tremendous benefits that come from comprehensive management of chronic disease—both in quality of life and in reduced cost of care. But not everyone has Gina's unique drive and commitment. Many patients will need an interactive, organized, and prevention-focused health care system to effectively manage their care.

Unfortunately, this is not the health care system we have. The Cancer Society, the Diabetes Association, the

Heart Association, and Consumers Union wrote:

The promise of . . . delivery system reform measures to lower costs is the most humane avenue to a financially sustainable health care system . . .

Although coverage for all Americans is a vital component of this change—a simultaneous effort aimed at securing high-quality, cost-effective preventive care is equally important . . . the time for comprehensive health care reform has arrived and our organizations will work together to help create a health care system capable of consistently delivering the most effective, patient-centered care.

These efforts will improve the quality of life and health outcomes for millions of people who suffer from a chronic disease, and lead to more efficient use of our nation's health resources.

The time has indeed come, not only for coverage reforms that will bring all Americans the security and stability that health insurance provides, but also for a fundamental overhaul of the way our delivery system provides care. That is a necessary investment this budget makes.

We have to be smart about this. We know how bad the system is; we see its looming catastrophic costs; we must invest the time, the money and the effort to transition to a modern, safe, efficient and healing health care system.

That is why this President's budget matters. That is why President Obama's budget is worth passing; it looks beyond the sorry politics of today and addresses the real problems Americans have to cope with day to day, in their regular lives.

I ask unanimous consent that statements by Dr. Timothy J. Gardner and Dan Smith, and a Consumer's Union Release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BRIEFING ON HEALTH SYSTEM REFORM

(Prepared Remarks for Dr. Timothy J. Gardner, Mar. 26, 2009)

I am pleased to be here today on behalf of the American Heart Association to highlight the need for health system reforms that will result in the high-quality, cost-effective care that our patients deserve. The Heart Association is very pleased to be joined at today's event by Senators Whitehouse, Rockefeller and Schumer and to be collaborating on the statement we're announcing today with the American Cancer Society, the American Diabetes Association, and the Consumers Union.

Cardiovascular disease, including heart attack and stroke, is the nation's leading cause of death and the most costly disease. Cumulatively, the leading chronic diseases—heart disease, stroke, cancer and diabetes—account for three out of every four deaths in the U.S. and the estimated total cost for these diseases exceeds \$700 billion each year.

The American Heart Association supports reforms that will extend affordable coverage to all Americans. Equally important, the Heart Association supports measures that will improve the value of cardiovascular and other chronic disease prevention and care. Delivery system changes that speed the translation of new knowledge to practitioners and strategies that improve care coordination are essential to reducing mortality and morbidity from heart disease,

stroke and other chronic diseases and to improve the value of the care provided.

The reality is that in our country health care remains largely fragmented and uncoordinated, and as a result, we miss many opportunities to both improve the quality of care that patients receive and prevent disease altogether.

Unfortunately, a patient with chronic diseases like heart disease, stroke, cancer or diabetes often serves as the poster-child for these missed opportunities. As a heart surgeon, I have witnessed many such examples—both in the prevention and treatment of patients with cardiovascular disease. I see conditions that could have been prevented or caught at an earlier, more treatable stage if risk factors—such as hypertension or high cholesterol—had been identified and treated appropriately. And I have seen problems that could have been avoided if evidence-based guidelines were followed.

For example, we know that patients who develop a hospital-acquired infection after undergoing coronary artery bypass surgery have worse outcomes and are twice as likely to be readmitted to the hospital compared to those without an infection. We also know that administering an antibiotic before surgery reduces a patient's risk of a post-operative infection 5-fold. And yet studies have shown that correct antibiotic use pre-operatively continues to be uneven, which results in unnecessary complications and re-hospitalizations for some patients.

As a physician, I can also attest to the tremendous challenge that doctors and other healthcare professionals face in staying current on the latest evidence and guidelines. As the Institute of Medicine said in its landmark 2001 report, *Crossing the Quality Chasm*, "[Health care] today is characterized by more to know, more to do, more to manage, more to watch, and more people involved than ever before."

The American Heart Association and other scientific organizations have invested a great deal of time, effort, and money developing evidence-based guidelines and science statements to help healthcare professionals give their patients the highest quality care possible. The Heart Association's Get With The Guidelines quality improvement programs, now being used in over 1600 hospitals around the country, are translating many of our science-based Guidelines into practical systems of care that reflect best practices. Interdisciplinary health professional team training and programs that promote the coordination of acute patient care are helping our health providers manage increasingly complex medical care. For example, the Heart Association launched its Mission: Lifeline program, which seeks to decrease critical time to treatment and increase adherence to evidence-based therapies for patients with the deadliest type of heart attack by establishing regional systems of care.

During the briefing session, I shared some of the tools and strategies developed by the American Heart Association that can serve as models of what needs to be done to systematically increase quality of care, with the added benefit of spending healthcare dollars more effectively. By doing so, we will be doing our part to "bend the cost curve" for cardiovascular disease.

We look forward to working with Senators Whitehouse, Rockefeller, Schumer and others in Congress, as well as with our partners in the chronic disease and consumer community, to enact meaningful health reform that not only provides health insurance coverage to all Americans but also makes care more patient-centered, reliable, and efficient. Thank you.

HEALTH CARE DELIVERY SYSTEM REFORM
PRESS CONFERENCE

(Dan Smith, President, ACS CAN, Mar. 26, 2009)

I want to thank you—Senator Whitehouse, Rockefeller and Schumer for gathering us all here today to talk about the importance of fixing the way we deliver health care in this country. We are encouraged by the work that Congress is already doing in this regard and we look forward to working with you as you move forward.

The American Cancer Society Cancer Action Network, the advocacy affiliate of the American Cancer Society is adding its voice to this discussion because the quality of our nation's health care system will affect our success in the fight against cancer.

Providing all Americans with access to high quality health care will significantly reduce the rates of cancer incidence and mortality and will measurably improve the quality of life for all people with cancer.

I am happy to be standing with my friends from The American Heart Association, The American Diabetes Association, and Consumers Union.

Five years ago, the American Cancer Society, the American Heart Association, and the American Diabetes Association joined forces to create the Preventive Health Partnership.

The Partnership's goal is to reduce the burden of chronic disease by focusing health care policy on prevention. Our organizations all agree that insurance reform by itself is not sufficient. Real reform must include changes in the way we deliver services to people.

We believe all Americans should have access to adequate health care coverage. But coverage is not enough. We must also fundamentally transform the health care delivery system.

That is why we must move from a system focused on episodic treatment of disease to one that focuses much more heavily on wellness, disease prevention and early detection.

We must also:

Increase the delivery of prevention services to detect and mitigate the potential harm of serious diseases and conditions;

Enhance knowledge and awareness of how good outcomes can be achieved; and

Reward providers that utilize them.

In fact, by applying proven prevention and early detection strategies that we have available right now up to 2/3 of all cancers can be prevented.

Investing in these strategies will improve the health of our nation and slow the growth of health care spending.

All four of our organizations are releasing a joint statement today in support of health care delivery system reform.

We all agree that the signs and symptoms of our broken health care system are numerous.

We must address not only coverage and access, but fundamental delivery system reform.

We believe that the time for comprehensive health care reform has arrived. Our organizations stand ready to help create a health care system that delivers effective patient-centered care.

CONSUMER REPORTS POLL: MORE AMERICANS
ACQUIRING MEDICAL INFECTIONS AND EXPERIENCING MEDICAL ERRORS

WASHINGTON D.C.—A new Consumer Reports poll finds that 18 percent of Americans say they or an immediate family member have acquired a dangerous infection following a medical procedure and more than one-third report that medical errors are

common in everyday medical procedures. The new poll, which assessed people's experiences with the health care system, also found that only half of adults participate in routine preventive medical testing.

"Healthcare-acquired infections and medical errors can devastate American families who are already struggling with the cost of health care," said Consumers Union President Jim Guest. "These preventable errors and infections can cost families hundreds—if not thousands—of extra dollars each year, and add tens of billions of dollars to our national health care costs. It is imperative that Congress pass health care reform legislation that includes simple safety provisions to help save lives and fix our broken health care system."

The new poll was released in conjunction with a Congressional briefing on health care delivery system reform with the American Cancer Society, American Diabetes Association and the American Heart Association. The poll was performed March 12-16, 2009, and interviewed more than 2,000 adults on issues such as acquired infections, medical errors, and preventive care.

HEALTHCARE ACQUIRED INFECTIONS

The Center for Disease Control and Prevention (CDC) reports that almost 100,000 people die each year from an infection they contract while in the hospital. Data from the new poll shows that the risks of medical infections continue to be very real.

Nearly one-in-five (18%) reported that they or an immediate family member had acquired an infection owing to a hospital stay or other medical procedure. More than 6 out of 10 reporting an infection told Consumer Reports the infection was severe or life-threatening.

The risk of an infection increased 45 percent if a patient spent the night in the hospital.

Fifty-three percent of Americans polled said these infections required additional out of pocket expenses to treat the infection.

Sixty-nine percent had to be admitted to a hospital or extend their stay because of the infection.

ERRORS IN DIAGNOSTIC TESTING AND TREATMENT

Many Americans told Consumer Reports they regularly encounter errors in routine medical procedures like lab work, CAT scans or blood testing.

More than one-third of Americans polled believe it was very common or somewhat common for an error to occur during a diagnostic procedure.

Thirteen percent have had their medical records lost or misplaced.

Twelve percent have had a diagnostic test that was not done properly.

Nine percent have been given the wrong medicine by a pharmacist when they filled their doctor's prescription

EARLY DETECTION TESTING

Early detection testing is the key to fighting many common illnesses. The new poll highlights the number of adults who have not been screened for common diseases.

While 94 percent of consumers felt it was important to have routine tests for diseases, only 59 percent have discussed testing with their doctors and only 55 percent have actually undergone tests.

This behavior increased sharply with age: Among those 65 years and older, 73 percent have visited their doctor for routine testing, but among adults 35 years and younger, that percentage drops to 30 percent.

"The findings of this poll clearly show that we need to make fundamental improvements in the quality of care that is delivered to American families," said Jim Guest. "Con-

sumers are paying to fix bureaucratic errors and medical harm that can easily be avoided. We need to make sure more Americans have access to basic public information on hospitals quality of care and disclosure of infection rates and medical errors."

About the poll

The Consumer Reports National Research Center conducted a telephone survey of a nationally representative probability sample of telephone households. A total of 2,005 interviews were completed among adults ages 18+. The margin of error is +/- 2.2% points at a 95% confidence level.

EXHIBIT 1

AMERICAN CANCER SOCIETY, AMERICAN DIABETES ASSOCIATION, AMERICAN HEART ASSOCIATION, AMERICAN STROKE ASSOCIATION, CONSUMERS UNION.

JOINT STATEMENT ON HEALTH CARE DELIVERY SYSTEM REFORM

Our health care system is in desperate need of reform. The number of uninsured Americans exceeds 45 million; health care costs are rising faster than incomes; health disparities persist; and although we spend at least twice as much per capita on health care as our major trading partners, we rank 37th in the World Health Organization's evaluation of health systems worldwide. The signs and symptoms of a broken health care system are numerous and unmistakable, and we must address not only coverage and access, but fundamental delivery system reform, to truly cure what ails us.

The major chronic diseases—cancer, diabetes, cardiovascular diseases, and stroke—account for three out of every four deaths in the United States and the estimated total direct and indirect health care costs for these chronic disease areas exceed \$700 billion each year. These staggering human and economic costs will increase as our population ages and as risk factors common to cancer, diabetes, and cardiovascular disease rise in prevalence.

For Americans who struggle with a chronic disease, failure of the health care system to provide quality care throughout the life stages compounds the problems of coverage and cost. Much of America's chronic disease burden could be avoided through better coordination of care, and by applying known best practices to prevent the onset and progression of these conditions, at the primary, secondary and tertiary levels.

While insurance coverage for all Americans is an important goal, we must give equal weight in the health care reform debate to changes that improve the quality of care, increase and improve the delivery of preventive services, and ensure that individuals always receive care that is safe, efficient and without unnecessary interventions, tests, and treatment. To achieve these goals, we must make structural changes: improve our health information technology infrastructure; align financial incentives with evidence-based and cost-effective decision making; and develop a reliable process for assessing the health value of new technologies.

The promise of these delivery system reform measures to lower costs is the most humane avenue to a financially sustainable health care system.

The American Cancer Society, the American Diabetes Association, and the American Heart Association, joined by Consumers Union, share a common objective: to reduce the toll of chronic disease on individuals, families, and our nation. Although coverage for all Americans is a vital component of this change—a simultaneous effort aimed at securing high-quality, cost-effective preventive care is equally important.

We believe that the time for comprehensive health care reform has arrived and our organizations will work together to help create a health care system capable of consistently delivering the most effective, patient-centered care. These efforts will improve the quality of life and health outcomes for millions of people who suffer from a chronic disease, and lead to more efficient use of our nation's health resources.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I have been allocated 5 minutes. I ask the Chair to let me know when 1 minute is remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, today is April Fool's Day and the biggest prank I have seen so far is the one proponents of this budget are trying to pull on the American taxpayer.

Proponents of this budget say the plan is transparent, but the authors knowingly hide a stunning explosion in long-term debt by conveniently dropping the last 5 years of their budget.

Proponents of this budget say the plan cuts taxes for low- and middle-income families, but right there on page 32 is the blueprint for a plan that would raise taxes on anyone who drives a car or heats their home that probably includes almost everybody.

Proponents of this budget will say that it cuts spending, but this plan adds nearly \$5 trillion to the public debt in just 5 short years.

Proponents of this budget say this plan is honest because for the first time it extends protections against the tenacious reach of the alternative minimum tax, but revenues from the AMT mysteriously reappear in 2013 and 2014.

Proponents of this budget will say it contains no reconciliation instructions and preserves an important minority privilege. But this budget doesn't preclude reconciliation either, and my colleagues know that our brethren in the House of Representatives are banging on our Chamber doors with a budget that does include reconciliation—which is odd because they don't need it at their end at all. They have a Rules Committee that takes care of all that.

Now I know folks back home in Wyoming are listening to me, scratching their heads and saying "what the heck is reconciliation and why should I care?" Let me sum it up this way: reconciliation is the on-ramp to a national energy tax. Reconciliation will make it impossible for me to protect your family from higher energy prices. Reconciliation will make it impossible for me to protect your community from cost-cutting layoffs. Reconciliation will make it impossible for me to make your voice heard here in Washington, DC.

Reconciliation does not allow for a full and open debate. Reconciliation does not allow a thorough vetting and amendment process. Reconciliation's fast-track nature shuts out members of the minority party and will shut out

many centrist Democrats too. Reconciliation is the declaration that any idea other than the majority party idea has no place at the drafting table—just as, so far, there has been no recognition of a Republican idea. I know all the ideas aren't great—but not even one?

As a former committee chairman and the co-author of many successful bipartisan bills, I know firsthand that ramming through reconciliation is not a successful model for good government, and it is certainly counter to the way Senator KENNEDY and I work together on the HELP Committee. Senator KENNEDY and I strive to work together in a bipartisan fashion to achieve legislation that both sides can support. Laws like the Pension Protection Act, the Head Start reauthorization, and the MINER Act were hundreds of pages in length but passed with little dissent in the Senate. The budget resolution we have adopted for the new fiscal year ought to follow a similar bipartisan model, especially on issues like education and health care which are so important to the future of our Nation.

Misusing the reconciliation process to get a health care bill is not the right approach and it conflicts with the new bipartisan spirit that President Obama has promised. A bill passed without work and agreement by both parties on the front end is more like a shotgun wedding than legislating.

This budget includes a massive tax increase—\$361 billion in explicit tax hikes and \$1.3 trillion embedded in 27 different reserve funds. And despite the “Robin Hood” rhetoric of taxing just the “rich,” the tax increases contained in this budget will hit all Americans. No one is spared: This budget raises taxes on energy. If you drive a car or heat your home, your taxes will go up. That comes under cap and trade, and there is a clever little thing in here which is where they get the tax cut from. They are going to raise your taxes on all the energy you use, then they are going to give it back to you so you can pay for that. But it will not be an equal distribution based on what you are using.

This budget raises taxes on senior citizens who are dependent on dividend and capital gains income for the retirement income.

This budget raises taxes on charitable contributions at a time when we need charity the most.

This budget reinstates the death tax, making it harder to keep the family ranch or family farm or family business in the family.

This budget raises taxes on small business. More than half of all small businesses that employ between 20 and 500 employees will see their tax bills rise and jobs eliminated. Small business is the incubator for entrepreneurship and we should protect it and nurture it, not tax it. That is where the community donations come from.

And most foolish of all, none of this “new” money will help reduce the def-

icit. Instead, this budget directs all new taxpayer money to the expansion of big Government—more Government programs we can't afford.

I think a newspaper columnist, Diane Badget from Lovell, WY, said it best when she wrote how her mother would react to what is happening in Washington today. Diane wrote, “Momma always said, ‘If you don't have enough money to buy a quart of milk you don't take someone else's hard-earned cash and buy ice cream.’”

The budget we are debating this week certainly would put us on the hook for a lot of figurative ice cream all right—all kinds of flavors. This budget charts ominous new policy directions for healthcare, education and energy.

I ask unanimous consent her entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 2)

Mr. ENZI. Peter Orszag, Director of the Office of Management and Budget, has argued that we need to fix health care in order to address our current economic crisis—a sentiment echoed by many in this Chamber. But this argument misses an important point. If we enact the wrong health care fix, our budget crisis will get even worse. Simply throwing more money at the problem—as this budget suggests—is not a solution.

I am concerned about the direction of energy policy in this budget. This budget leaves open the possibility of putting in place a carbon cap-and-trade system which will lead to higher energy prices for families and small businesses. Enacting such a system is the equivalent of placing a national tax on energy usage. Raising energy prices at a time when families are struggling to make ends meet just doesn't make sense.

I don't support Federal policies that will increase energy costs, even in good economic times, but it is especially troubling that the budget lays the framework for this national energy tax when unemployment is above 8 percent and rising.

What we need to do now is prepare for the worst and hope for the best. That is the way to make a better future because in the end this budget isn't about numbers. It is about people. But this budget doesn't prepare us for the future. It robs from it.

America, this budget taxes too much, spends too much and borrows too much. I am not fooled by this budget and I hope you are not either.

EXHIBIT 1

[From the Lovell Chronicle, Mar. 26, 2009]

IF MA WAS IN CHARGE

(By Diane Badget)

Gee, I wish my mom was in charge in Washington. Things would be a lot different with her up there watching every move. She had eyes in the back of her head and nothing got past her radar.

Ma would have taken one look at the stimulus package and had a fit. “You have one

minute to explain to me what you were thinking. Your time started yesterday.”

She would have chewed out our president for spending so many hours each day in front of TV cameras pushing his inflated budget and stimulus package at the expense of everything else. “Barack,” she would scold, “you get out of that TV set right now and let someone else have a turn. For heaven's sake, you are a President now, not a candidate—start acting like it.”

Boy, she would have let Congress have it! “You kids have until the count of three to stop that arguing and stomping around. Don't make me come up there or you'll all be sorry!” There'd be a long pause and then she'd warn, “I don't CARE who started it—if I have to come up there I know who'll end it!”

If Ma asked a plain question she'd expect a plain answer, and that would mean accepting responsibility for mistakes immediately. I can hear her now: “Don't you be blaming this mess on each other. I know when someone is wetting on my leg and telling me it's a rainstorm.”

Ma didn't believe in complex ideas. Heck, I'm not even sure she understood them. “If you keep things simple,” she'd be telling the economists, “you don't have so much to remember and fix later.”

I don't think the banking executives would get by unscathed, either. “Now, fellas, how much sense does it make to bounce a check and then send the bank another check to cover your overdraft? You know better than that! If you can't learn how to handle money then we need to rethink your allowances.”

She would have rolled those incredible blue eyes and questioned the experts. “We have to jump start the banks, jump start the auto industry, and jump start the economy? Maybe it's time to stop jump starting and just replace the stupid battery!”

Throwing good money after bad was a pet peeve of hers, and she'd flat let the politicians hear about it. “Doggone it! If you drop a one dollar bill in the john and are dumb enough to throw a five dollar bill in after it to see what's gonna happen, don't whine when someone else comes along and flushes the toilet.”

She wouldn't have cared that Congress has its own agenda and that it has nothing to do with what she would think was best. She'd hit the hallowed halls of the Capitol Building yelling, “As long as you are under MY roof you'll do as you're told.”

Ma didn't believe in politics. She never voted. With an air of superiority I once made the mistake of telling her that if she didn't vote she really shouldn't be complaining about the people who got elected. I don't remember much after that.

Senators and Representatives wouldn't stand a chance against her common sense and strong moral fiber. She'd give one of those guaranteed-to-have-you-regret-your-conception looks and pull no punches. “I don't care what the Speaker of the House said to do. If she told you to jump off a cliff would you do it?” Um, no Ma, not with you at the bottom ready to kick my behind when I landed.

She definitely wouldn't be happy about the amount of money being discussed. “What in the heck is wrong with you? If you don't have enough money to buy a quart of milk you don't take someone else's hard earned cash and buy ice cream.” And she never would have understood the concept of deficit spending. “You be careful with that money. When it's gone, it's gone.”

If she'd known about the way health care reform would be buried in the stimulus package she would I have come uncorked. “Alright, just for that little stunt I'm going to sneak broccoli into everything you eat—and

you'll eat it and be grateful. There are thousands of starving Americans who would be thrilled to have what you have."

She would have chewed them out for being wasteful and for hoping that waste would somehow make things all better. "Garbage is garbage. No point in giving it a fancy name because it won't change the smell."

She'd look at all the palms outstretched waiting for their share of the bailout and just shake her head. "I told you what would happen if you got too big for your britches," she'd lecture. "You got yourselves into this mess, so now you get yourselves out."

What Washington needs is a good dose of Ma. She'd get them back on track. I think they've forgotten that you can't fill up the bathtub unless you put the plug in the drain first.

Good Grief! It's finally happened. I sound just like my mother! Thank you, Lord.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the order now?

The PRESIDING OFFICER. The current order is for the Senator from South Carolina to speak for 5 minutes, whom I do not see on the floor.

Mrs. BOXER. Since he is not on the floor, I ask the way we would proceed is, Senator BARRASSO wanted to speak in his stead—is that it—for 5 minutes, followed by Senator WHITEHOUSE, followed by me for 5 minutes, if that is OK?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

AMENDMENT NO. 735

Mr. BARRASSO. Mr. President, I rise today in support of Johannis climate change amendment, No. 735. Budget reconciliation was designed to facilitate passage of legislation to reduce the deficit with a simple majority. It was never meant to pass major policy initiatives such as cap and trade.

I was pleased to sign a letter written by both Senator BYRD and Senator JOHANNIS opposing the idea of using budget reconciliation to pass climate change. The letter has broad bipartisan support.

Cap and trade would be one of the most dramatic expansions of Government in American history. It is a trillion-dollar climate bailout scheme. This weekend, Thomas Friedman stated in the New York Times that "we need a climate bailout along with our economic bailout." I tend to disagree.

The American people, including my constituents in Wyoming, are very skeptical about any bailouts. So how important is climate change in the interest of the American people? The Pew Research Center did a poll and they showed that climate change ranked dead last with the public in terms of what was important to them. The American public is dealing with the reality of an economic meltdown. This is a real and immediate problem. Trillions of taxpayer dollars are being directed to stimulate the economy. Every step Congress takes to spend additional funds is being watched closely, as it should be, by the American public.

We have passed numerous bailout bills over the past 6 months. We have just passed a \$787 billion bailout for an economic plan intended to save or create millions of jobs. The American people deserve the opportunity to have any climate bailout go through the regular order.

Frankly, the American people are demanding the opportunity to have a climate bailout go through regular order. Such legislation should not be enacted using procedures that limit debate and do not otherwise provide the kind of transparency the people of this country want and demand.

I urge Members on both sides of the aisle to support the Johannis amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I want to respond very briefly before I yield to the distinguished chairman of the Environment and Public Works Committee on this question of reconciliation and climate change. One really has to have had their sense of irony surgically removed to keep a straight face on the Senate floor today as the party of reconciliation comes to the floor, over and over again, to complain about the use of reconciliation.

The party of reconciliation is the Republican Party. They have used it 13 times. They used it for George Bush's tax cuts for billionaires. If you have bloody hands from reconciliation, the Republican Party has blood above the elbows from reconciliation. Yet they come to the floor, as innocent as lambs, to say: Oh, my gosh, what a terrible thing it would be if we used reconciliation for something important like protecting the planet from climate change as opposed to just something like, say, our favorite: tax cuts for billionaires.

I think climate change is a little bit too serious for that quality of rhetoric and debate. If the Republican Party in the Senate is willing to stand and say that climate change is not real, then we can have that discussion. But the Senator from Wyoming and the Senator from Idaho and Senators across the other side of the aisle have all had their health directors from their home States come to the Environment and Public Works Committee to say that climate change is real, and it is dangerous for the health of their constituents. I think it is incumbent on us to do something about it. I don't think it is helpful to call it a bailout or to call it a tax. You could unwind the most vigorous rhetoric you like, but it doesn't change the point that we have to do something about climate change.

The fundamental fact that they are defending and the fundamental point that is lurking behind this rhetoric about bailout, rhetoric about a tax, is they want to continue to make it free for industry to pollute our atmosphere with carbon and greenhouse gases.

Behind it all, that is the proposition for which opposition to cap and trade stands. If you are opposed to cap and trade, then what you are saying is, it should be free, it should continue to be free for industry to pollute our atmosphere and warm our planet and compromise the quality of lives of our children. And we, as a party, the Republicans are going to stand and defend that proposition.

Well, of course, they cannot say that. So they instead talk about bailouts and taxes. But I very much hope we will look behind that screen, that we will treat this problem as a serious one, as it should be treated, and if we need to go to reconciliation to solve it, well, by gosh, this would be a far better use of it than the tax rates for billionaires that was the Republican's favorite use for reconciliation.

I yield the floor to my distinguished Chairman.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I hope America is watching this debate. I think Senator WHITEHOUSE was very on point when he exposed what the Republicans are doing. We all know it is perfectly in order to utilize something called reconciliation, which is a way to get around a filibuster, and it is the way to govern with a majority.

The fact is, as Senator WHITEHOUSE has said, since 1980, reconciliation has been used 19 times, 16 times by my Republican friends who now come to the floor and say: Oh, my God, we should not use it for health care, we should not use it for climate change, we should not use it at all.

They do not want to use it because they want to be able to obstruct progress. Now, the reason I hope America is watching this debate is because they will see the difference in the parties. If you listen to the Republicans, what are they saying?

No. We are not going to do any health care reform of any meaning. We are not going to do education reform of any meaning. We say no—they say no—to global warming legislation. They say no to energy legislation. They are the party of nope, and I am in the party of hope. Here is where we stand. Same old politics.

All they want is tax breaks for billionaires, tax breaks for millionaires. We saw where that led us, along with the war in Iraq, budget deficits as far as the eye could see, a recession that is as close as we have come to the Great Depression.

Same old politics, same old policies that got us into this crisis in the first place. So every time they speak, I urge you, America, to listen. It is no. No. No. No. It is no to this new President who ran on fixing the education system. It is no to this President who ran on fixing the health care system. It is no to this President who ran on doing something about global warming. It is no. No. No. No on energy reform.

This budget is so important to be passed because it is, in fact, brought to

us by this new President who had a very strong debate with JOHN MCCAIN, who won a convincing victory, who is off now taking his first foreign trip. I hope that we can make that trip more pleasant for him by rallying around his priorities.

Now, we are going to be facing a slew of amendments that try to undermine and undercut President Barack Obama and the priorities I talked about. We talked a little about reconciliation. When people listen, they do not get what it means, so I will try and explain it. It is a way you can bring up a bill and avoid a filibuster. It is a way you can bring up a bill and pass it with majority votes instead of a supermajority vote.

That is a very important option for us to have when we are dealing with very important issues. I think it is important to be stated right now, that in this Senate budget there are no reconciliation instructions regarding climate change. There are no reconciliation instructions.

But the other side is not happy with that. They want to make sure we can vote on it. So Senator JOHANNIS has a very simple and straightforward resolution that says: Reconciliation will not be used related to climate change. Senator WHITEHOUSE and I have a side by side with that that says: Fine, we will not use it unless the Senate finds that the public health—I ask unanimous consent for an additional 5 minutes.

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

Mrs. BOXER. Senator WHITEHOUSE and I, and I think the Presiding Officer will be interested in this, have said: OK, we will not use reconciliation unless the Senate finds that the public health, the economy, and national security are jeopardized by inaction on global warming.

What we are doing is saying: If we find that our people are in danger because of inaction on global warming, and if we find we are facing a filibuster from the Republicans on getting anything done, then we should be able to use reconciliation and get around a filibuster. That is what we are saying.

Why did we put in here economy? It is very clear why we did that. Because we believe if we turn out to be the only Nation in the world, in the industrialized world, that is doing nothing, this could hurt us. Because other nations can say: Well, you know what. Until the United States acts, we are not going to have free trade with the United States. We can find ourselves isolated.

We could learn that as a result of inaction, we are not creating the green jobs that we should create and that business wants to create. We should have that opportunity to come together and, with a majority vote, pass global warming legislation.

We could find out from the FBI, the CIA, our Defense Department that ten-

sions are growing around the world due to global warming. We already see in Darfur—and a lot of experts believe that is what has happened to the climate there and the fight over water there. We could learn that our national security has worsened because of climate change.

We already know it is a major issue with the intelligence community. What Senator WHITEHOUSE and I are saying in this side by side is, we will not use this procedure unless we find out there is an emergency. We hope colleagues will realize that to take a very legitimate tool off the table is wrong.

The last point I wish to make is my colleagues on the Republican side keep intimating and saying that any bill on climate change will involve a tax. Nothing could be further from the truth. We are going to rebate funds to people. We are going to rebate funds to our families.

We have turned our back on a tax. Although some of my Republican friends said they would rather see a carbon tax, I rejected it. I do not want a tax. I want to model climate change legislation after the acid rain legislation and set up a free market mechanism to put a price on carbon.

So there is no tax. There is going to be a break for people. They are going to get rebates. Our States are going to get funded. So you can stand and call me a Republican. You can call me a Republican morning, noon, and night. I am not a Republican. I am a Democrat. You can call cap and trade a tax morning, noon, and night. It is not a tax. It is the opposite. It is an allowance.

It is a permit. It is a way to cap the amount of carbon going into the air by requiring that people who pollute purchase the allowance to pollute. Those funds will be given out to the people of the United States of America as we transition to a clean energy future.

I did not expect this budget debate would turn into a battle about climate change. But it has. I am here to say that I welcome this debate. I am very proud that over in the other body, in the House, they have begun their work on climate change. I look forward to seeing the progress that is made over there.

In closing, I hope we will see support for the Whitehouse-Boxer alternative to the Johanns amendment. I hope, at the end of the day, we have support for President Obama's very first budget. The people in this country support our President. They support him over party lines. Those who are Independent support him.

This is his first budget, folks, his first chance to show to the American people the priorities he laid out in his campaign and that are in this budget. Let's not forget it. If we support education and health care and action to clean up this environment, if we support deficit reduction—which is part of this package—then let us support this budget and let us defeat some of these nefarious amendments that are meant

to undermine our new President and this budget.

I yield back my remaining time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Earlier, Senator GRAHAM was in a unanimous consent agreement for 5 minutes. Other Senators were here at the time and took the time. It would be appropriate if we allowed Senator GRAHAM 5 minutes at this point. I ask unanimous consent that Senator GRAHAM be allowed to speak for up to 5 minutes.

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

The Senator from Georgia.

Mr. GRAHAM. I thank the chairman for the courtesy.

As we talk about different views of the budget, one thing I would like to comment upon to the people of North Dakota, I have been very struck and impressed by the way the people of North Dakota have come together with the flood. It looks like tough going there but a hearty group. We all wish them well. The two Senators from North Dakota represent their State well.

The Johanns amendment is what I would like to talk about a bit. This idea to most people of a debate about reconciliation probably is mind-numbing and not very interesting. But there is a process in the Congress where you can take legislation and basically put it on a fast track. It is subject to 50 votes.

The Senate has served the country well. When you are in the majority, you don't appreciate the minority's role too much. But the one thing about the Senate, it changes hands fairly often.

The AIG legislation in the House where there is going to be a 90-percent tax on bonuses because people are upset—I can understand people being upset about AIG, but that wasn't the right response, creating a retroactive tax on a limited group of people because you are mad. The power to tax somebody is a pretty awesome power. It should be used in a constitutional and lawful way. Our friends in the House are up every 2 years, and sometimes they get carried away in the moment. I guess sometimes the Senate does as well.

The whole idea of the Senate kind of cooling things down has served the country well. In that regard, to end debate you need 60 votes. If 41 Senators are opposed to a piece of legislation, strongly enough to come to the floor every day and talk about it, that legislation doesn't go anywhere. I argue that is probably a good rule. There were times when we were in the majority that we didn't particularly like the

rule. But if 41 Senators from one party or a bipartisan group believes that strongly, it is probably worth sitting down and thinking about.

If you took climate change and health care, two very controversial, big-ticket items, and put them on the reconciliation track, you would basically be doing a lot of damage to the role of the Senate in a constitutional democracy.

Senator BYRD, who is one of the smartest people to ever serve in the Senate about rules and parliamentary aspects of the Senate, said that to put climate change and health care reform in reconciliation is like “a freight train through Congress” and is “an outrage that must be resisted.”

Senator CONRAD said:

I don't believe reconciliation was ever intended for this purpose.

I think both of them are right. Under the law, you cannot put Social Security into reconciliation because we know how controversial and difficult that is. I come here in support of the Johanns amendment that rejects that idea.

Our majority leader said something a little bit disturbing. He said climate change cap-and-trade revenues could be used to pay for health care. If we put climate change in reconciliation, you have really abused the process and will create a bad climate for the Congress. There is a lot of bipartisan support not to go down that road to abuse reconciliation. From the climate change debate, there are some Democratic and Republican Senators who are opposed to 100 percent auction. We believe climate change is real but do not want to go down the road the administration has charted. I believe manmade emissions are heating up the planet. But if you take the revenue stream from the climate change bill to fund the Government, you will lose a lot of support for climate change. The money that is generated from a cap-and-trade system should go back into the energy sector to allow people to comply with the cost of a cap-and-trade system. The Obama proposal, \$3,000 per family, is a very expensive proposal. There is bipartisan support for climate change legislation with a mix of auctions and credits that could be done in a reasonable way.

The idea of putting climate change or health care in reconciliation will bring the Congress to a halt. It would be everything opposite of what the President ran on in terms of bringing us together. There is a lot of Democratic push back for this idea. I applaud my Democratic colleagues who think it is a bad idea because it is.

I do pledge to work on climate change. Health care will be tough. We will certainly try that. But there is bipartisan support for climate change legislation through the normal process. For those who disagree that it is a problem, they can have their say and we can get the votes necessary to put together a bipartisan climate change bill through the normal process.

Senator JOHANNS from Nebraska has done the Senate a service by putting this amendment forward. I urge its adoption and yield the floor.

Mr. CONRAD. Mr. President, I want to indicate for all colleagues what is happening. We are about to go to a series of votes. It is not clear how many in total. I would say it is probably at least nine, perhaps more, rollcall votes. We are waiting for the unanimous consent agreement to be entered into.

When we start this process, we are going to have 2 minutes equally divided before each amendment. We will start with the Lieberman-Collins amendment and then go to the Alexander amendment, then the Sessions amendment—at least this is the understanding at this point—then we will proceed until all of the amendments have been dispensed with. Then, once those are completed, the ranking member and I will work on another series of amendments to have in order.

This evening, there will be an opportunity for Members to present their amendments. We have not yet decided if they would be able to call them up or just speak on them and then call them up tomorrow. This goes to the question of trying to make sure there is some fairness going back and forth between the two sides. We do not have a Sessions modification on which we are waiting.

Mr. COBURN. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. COBURN. I ask if we could bring up some amendments. They would be voted in the vote-arama, and I have no problem with that, not wanting a specific vote before that, but we could get them up and get them pending.

Mr. CONRAD. We can't do that with amendments we have not yet seen.

Mr. COBURN. Every one of them has been filed.

Mr. CONRAD. We have 150 amendments that have been filed. Before we go to somebody to call up an amendment, we need to be able to see it because if we start the debate, we need, for the effective and efficient ordering of the debate, to be able to answer the amendment.

Mr. COBURN. I ask unanimous consent to speak on the budget until the time should come up for the UC and not to exceed 15 minutes.

Mr. CONRAD. I want to make certain that we have a chance to interrupt and go immediately to the votes.

Mr. COBURN. Mr. President, if we have a unanimous consent agreement, I will cease the discussion.

Mr. CONRAD. All right.

So, Mr. President, I ask unanimous consent that Senator COBURN be permitted to talk on the budget generally for up to 15 minutes, but if we have the unanimous consent request ready to go, that he be interrupted so we can get on to votes as quickly as possible because we are already 15 minutes behind schedule.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Mr. President, reserving the right to object, I say to the chairman of the Budget Committee, I have no problem with this. I want to do two things. First, I want to make sure the Whitehouse-Boxer amendment is at the desk and would be considered in order when we have another tranche of votes later tonight. Is that done?

Mr. CONRAD. That is in the unanimous consent request we are working on. We have not yet agreed to the whole package, but it is in the proposal to be agreed on next.

Mrs. BOXER. OK. I would ask, if Senator COBURN does use the full 15 minutes, I would like to have 5 minutes when he is done, if we are not voting. And if we are, obviously, I do not need the 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, first off, I thank the chairman for his graciousness.

If you are sitting at home right now and you have a job and you see the tough times that are out there, or you are sitting at home and looking for a job, one of the things you are doing is you are starting to say: Here is what is coming in and here are the mandatory things that have to go out, and you are starting to prioritize.

We have a budget before us that prioritizes two things. It prioritizes growing the Federal Government by a huge amount over the next 10 years. If you were running a business and you were at these times, the last thing you would do is go borrow money to expand a business into a market that is not growing. Yet we have before us the biggest budget in the history of the country—a budget that will, in fact, double the debt that is going to our kids over the next 5 years and triple it over the next 10 years. It does not fit what any of us would do with our own families' budgets or our own businesses' budgets.

Why is it we are afraid to say that what we really need to do is live within our means? Instead, we are going to have a \$1.7 trillion, maybe a \$1.8 trillion, maybe even a \$2 trillion deficit this year and something very close to that next year.

Instead of cutting some of the \$380 billion of documented waste, fraud, and abuse associated with the Federal Government, we are not looking at it at all. When President Obama ran for the office, he said one of the things he was going to do was a line-by-line item analysis of every Department, at every area, to make sure it was effective and efficient at accomplishing the task it was set out to do. We have not seen any of that, and there is none of that in this budget. If, in fact, we were to do that, here is what we would find. We would find \$50 billion worth of wasted money at the Pentagon. There is no effort to do that in this budget.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, will the Senator yield?

Mr. COBURN. Mr. President, I will be happy to yield.

Mr. CONRAD. Mr. President, I would say to the Senator, we are now prepared to go forward with the unanimous consent request to set up the votes, and if the Senator would permit us to do that, we could get an earlier start on the votes.

Mr. COBURN. Mr. President, I would be happy to. I would like to have 1 minute to wind up the one point.

Mr. CONRAD. Fair enough.

Mr. COBURN. Thank you.

We have \$80 billion worth of fraud in Medicare. Yet we are going to talk about health care, but we are not going to fix the problem with Government-run health care and the fraud that is associated with it. We have \$40 billion in Medicaid. There is no attachment to do that. So what we are doing is we are not trimming spending anywhere, we are going to raise taxes significantly, and we are going to grow the Federal Government in a time when we can least afford to grow it.

The idea that we can have prosperity out of the Government instead of out of our own individual efforts is counterintuitive to everything this country stands for.

With that, I will carry on my debate at a later time, and I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Oklahoma for his courtesy. It is gracious of him, as is typically the case with the Senator from Oklahoma.

Mr. President, I ask unanimous consent that at 3:20 p.m. today, the Senate proceed to vote in relation to the amendments listed below and that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in this sequence, the succeeding votes be limited to 10 minutes each; that no intervening amendments or motions be in order during this vote sequence prior to a vote in relation to the amendments, except if a point of order is raised and a motion to waive the relevant point of order is made; that all time consumed during the votes be counted against the time remaining on the budget resolution; the order of the amendments is as follows: Lieberman-Collins No. 763, and that the purpose line be changed as noted at the desk; Alexander No. 747; Sessions No. 772, and that the amendment be modified with the changes at the desk; Casey No. 783; Ensign No. 804; Kerry No. 732; Cornyn No. 806; Gregg No. 835; Isakson No. 762; Shaheen No. 776; Crapo No. 844; Reed No. 836; Johanns No. 735; and Whitehouse-Boxer as a side by side with the Johanns amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, reserving the right to object, traditionally—I

think we ought to go back to the usual order on Whitehouse-Boxer. It being a second degree, it would go first.

Mr. CONRAD. Well, that is the typical order. Let's take a quick pause, and we will check with the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I would refine my request to have the Whitehouse-Boxer amendment that is a side by side to Johanns be voted on first, and then Johanns amendment No. 735.

Mr. GREGG. Mr. President, reserving the right to object, how did we decide to deal with Senator KYL's amendment?

Mr. CONRAD. Senator KYL's amendment is awaiting a side by side from Senator BAUCUS.

Mr. KYL. That would be included within this list we have, however, with or without the side by side?

Mr. CONRAD. I have not seen the side by side. Could we do this, could we begin on these?

Mr. KYL. Of course.

Mr. CONRAD. Then we will work diligently to come up with something that is acceptable.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The purpose to amendment No. 763 was changed to read as follows:

(Purpose: To protect the American people from potential spillover violence from Mexico by providing \$550 million in additional funding for the Department of Homeland Security and the Department of Justice and supporting the Administration's efforts to combat drug, gun, and cash smuggling by the cartels by providing: \$260 million for Customs and Border Protection to hire, train, equip, and deploy additional officers and canines and conduct exit inspections for weapons and cash; \$130 million for Immigration and Customs Enforcement to hire, train, equip and deploy additional investigators; \$50 million to Alcohol, Tobacco, Firearms, and Explosives to hire, train, equip, and deploy additional agents and inspectors; \$20 million for the Human Smuggling and Trafficking Center, \$10 million for the Office of International Affairs and the Management Directorate at DHS for oversight of the Merida Initiative; \$30 million for Operation Stonegarden; \$10 million to the Department of Justice for competitive grants to support local, State, and Tribal law enforcement agencies located along the southern border and in High Intensity Drug Trafficking Areas to address drug-related criminal activity; \$20 million to DHS for tactical radio communications; and \$20 million for upgrading the Traveler Enforcement Communications System)

The amendment (No. 772), as modified, is as follows:

On page 4, line 14, decrease the amount by \$33,165,000,000.

On page 4, line 15, decrease the amount by \$36,815,000,000.

On page 4, line 16, decrease the amount by \$42,696,000,000.

On page 4, line 17, decrease the amount by \$47,420,000,000.

On page 4, line 18, decrease the amount by \$53,806,000,000.

On page 4, line 23, decrease the amount by \$22,465,000,000.

On page 4, line 24, decrease the amount by \$36,115,000,000.

On page 4, line 25, decrease the amount by \$40,846,000,000.

On page 5, line 1, decrease the amount by \$46,570,000,000.

On page 5, line 2, decrease the amount by \$52,956,000,000.

On page 5, line 7, decrease the amount by \$22,465,000,000.

On page 5, line 8, decrease the amount by \$36,115,000,000.

On page 5, line 9, decrease the amount by \$40,846,000,000.

On page 5, line 10, decrease the amount by \$46,570,000,000.

On page 5, line 11, decrease the amount by \$52,956,000,000.

On page 5, line 17, decrease the amount by \$22,465,000,000.

On page 5, line 18, decrease the amount by \$58,580,000,000.

On page 5, line 19, decrease the amount by \$99,426,000,000.

On page 5, line 20, decrease the amount by \$145,996,000,000.

On page 5, line 21, decrease the amount by \$198,952,000,000.

On page 5, line 25, decrease the amount by \$22,465,000,000.

On page 6, line 1, decrease the amount by \$58,580,000,000.

On page 6, line 2, decrease the amount by \$99,426,000,000.

On page 6, line 3, decrease the amount by \$145,996,000,000.

On page 6, line 4, decrease the amount by \$198,952,000,000.

On page 26, line 24, decrease the amount by \$165,000,000.

On page 26, line 25, decrease the amount by \$165,000,000.

On page 27, line 3, decrease the amount by \$815,000,000.

On page 27, line 4, decrease the amount by \$815,000,000.

On page 27, line 7, decrease the amount by \$2,196,000,000.

On page 27, line 8, decrease the amount by \$2,196,000,000.

On page 27, line 11, decrease the amount by \$4,420,000,000.

On page 27, line 12, decrease the amount by \$4,420,000,000.

On page 27, line 15, decrease the amount by \$7,306,000,000.

On page 27, line 16, decrease the amount by \$7,306,000,000.

On page 27, line 23, decrease the amount by \$33,000,000,000.

On page 27, line 24, decrease the amount by \$22,300,000,000.

On page 28, line 2, decrease the amount by \$36,000,000,000.

On page 28, line 3, decrease the amount by \$35,300,000,000.

On page 28, line 6, decrease the amount by \$40,500,000,000.

On page 28, line 7, decrease the amount by \$38,650,000,000.

On page 28, line 10, decrease the amount by \$43,000,000,000.

On page 28, line 11, decrease the amount by \$42,150,000,000.

On page 28, line 14, decrease the amount by \$46,500,000,000.

On page 28, line 15, decrease the amount by \$45,650,000,000.

On page 50, line 13, decrease the amount by \$33,000,000,000.

On page 50, line 14, decrease the amount by \$22,300,000,000.

AMENDMENT NO. 763

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on the Lieberman-Collins amendment.

Mr. GREGG. Mr. President, we would be willing to take the Lieberman-Collins amendment by unanimous consent.

Mr. CONRAD. There would be no objection on this side to taking Lieberman-Collins by unanimous consent.

Mr. GREGG. Mr. President, I ask unanimous consent that the Lieberman-Collins amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the Lieberman-Collins amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 763) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 747

Mr. CONRAD. Mr. President, next is the Alexander amendment.

May I say to colleagues, if staffs are listening, Members are listening, the Alexander amendment is next in line, then the Sessions amendment, then the Casey amendment, then the Ensign amendment, then the Kerry amendment, then the Cornyn amendment. It is very helpful if Senators are here when their amendments are called up. Also I say to colleagues, after the first vote, we are going to be dealing with 10-minute votes.

So, again, we have done the Lieberman-Collins amendment.

AMENDMENT NO. 747

The Alexander amendment is next, and Senator ALEXANDER is here.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, I understand I have 60 seconds.

The PRESIDING OFFICER. That is correct.

Mr. ALEXANDER. Mr. President, this is the runaway debt limit amendment. It says 60 Senators have to agree before a budget can raise our national debt to more than 90 percent of U.S. gross domestic product, which this budget does every single year.

We saw this week the leverage a lender can have over a borrower when the President of the United States fired the president of General Motors. Well, China, Japan, and Middle Eastern oil countries already own \$1.4 trillion of U.S. debt. So vote yes on the runaway debt limit amendment if you do not want China, Japan, and Middle Eastern oil countries telling the United States

how to run our business in the same way our Government is telling General Motors how to run its business.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a well-motivated amendment, but I think it is fatally flawed. The cure here is to make it harder to do a budget. If we are serious about reducing deficits and debt, I think all of us would want to do everything we can to encourage a budget resolution because it contains the fundamental disciplines to prevent deficits and debt from growing larger.

So I would say to my colleagues, while I understand the sentiment, and share in it, I think we all have to be concerned about burgeoning debt. To make it harder to get a budget resolution, actually, I think undermines the effort to establish fiscal discipline because you lose all of the disciplines that are provided for in a budget resolution, all of the special points of order, the supermajority votes that are required to increase spending beyond what the budget resolution provides.

So I urge my colleagues to vote no on the Alexander amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 747.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Klobuchar	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—55

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Begich	Feingold	Lincoln
Bennet	Feinstein	McCaskill
Bingaman	Gillibrand	Menendez
Boxer	Hagan	Merkley
Brown	Harkin	Mikulski
Burris	Inouye	Murray
Byrd	Johnson	Nelson (FL)
Cantwell	Kaufman	Pryor
Cardin	Kerry	Reed
Carper	Kohl	Reid
Casey	Landrieu	Rockefeller
Conrad	Lautenberg	Sanders

Schumer
Shaheen
Stabenow
Tester

Udall (CO)
Udall (NM)
Warner
Webb

Whitehouse
Wyden

NOT VOTING—1

Kennedy

The amendment (No. 747) was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 772, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 772, as modified, offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this amendment would call for the level funding of nondefense—my amendment earlier today was nonveteran discretionary spending—by leveling the funding for 2 years and having a 1-percent growth for 3 years.

This is reasonable and responsible, No. 1. No. 2, let me recall to our colleagues the stimulus package that we passed a few weeks ago, which increases nondefense discretionary spending by an average of 30 percent over the next 3 years. We are not cutting our spending for discretionary accounts this year. We are seeing them surge. But in light of the stimulus package, this will be an excellent way to contain spending and save \$200 billion over 5 years.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, freezing domestic spending is a mistake at a time of sharp economic downturn. You would be freezing education spending, freezing health care and transportation and freezing law enforcement.

Beyond that, the Senator sought earlier to freeze veterans, and then he had an amendment to add back \$1 billion for veterans. The problem is, the additional spending for veterans in the chairman's mark is \$5.5 billion. If you want to cut veterans \$4.5 billion from the chairman's mark, vote for the Sessions amendment. If you want to keep veterans whole, vote no.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I thank the Chair.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 772, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—40

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Risch
Bennett	Graham	Roberts
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Snowe
Burr	Hutchison	Specter
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	McCain	

NAYS—58

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

NOT VOTING—1

Kennedy

The amendment (No. 772), as modified, was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 783, 732, 762, AND 776

Mr. GREGG. Mr. President, I ask unanimous consent that we approve the following amendments, agreed to by both sides: Senator CASEY, amendment No. 783; Senator KERRY, amendment No. 732; Senator ISAKSON, amendment No. 762; and Senator SHAHEEN, amendment No. 776.

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senators who agreed to allow us to take their amendments by voice vote. I thank them for their courtesy to their colleagues. Senator CASEY, Senator KERRY, Senator ISAKSON, and Senator SHAHEEN set a very good example for our colleagues and we appreciate it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished managers of the bill. One of the amendments that was just accepted—and I want to make clear Senator LUGAR is a cosponsor of it, together with Senator CORKER and others on that side of the aisle.

This is an amendment that adds to the function 150 account. I want to

make clear to colleagues why that was so important. Secretary Gates, a year and a half ago, while he was still Secretary serving with President Bush, said the following:

What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security, diplomacy, strategic communications, foreign assistance, civic action, and economic reconstruction and development.

National Security Adviser Jim Jones, just the other day, mentioned that we have huge warships off the coast of Lebanon, but Hezbollah is, in fact, gaining more foothold because they are building schools and building homes and involved on the ground. Our diplomacy and our foreign policy needs to do that. With the acceptance of this amendment, hopefully, we are going to. I thank the distinguished managers.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I remind our colleagues that these are 10-minute votes. This is sort of like the hors d'oeuvre for tomorrow. Get used to this. Please try to stick around.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator ENSIGN is next.

AMENDMENT NO. 804

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 804 offered by the Senator from Nevada, Mr. ENSIGN.

Mr. ENSIGN. Mr. President, this amendment is very simple. The President, during his campaign, as well as during his speech to the Nation—his first major speech to the Nation—promised Americans who made less than \$250,000 as a family that not one dime of their taxes would be raised. Repeatedly he has said it, time and again, and he listed taxes and basically said any taxes. That means direct and indirect taxes.

My amendment makes the Senate and the House keep that promise made by the President.

There is going to be a point made that the Parliamentarian is going to rule that this threatens the nature of the budget resolution being a privileged resolution. We submitted some questions to the Parliamentarian. We asked him:

When was the last budget that lost its privileged status?

Never happened. We also asked:

Has one amendment ever resulted in a budget resolution losing its privileged status?

That has never happened.

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

Mr. ENSIGN. Mr. President, I ask for 30 additional seconds.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I hope we do not do that because if we start adding time on both sides—

Mr. ENSIGN. Just 30 seconds to explain because we had a big discussion with the Parliamentarian.

Mr. CONRAD. Because of the unusual nature of this, go ahead.

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

Mr. ENSIGN. Mr. President, just to finish, Senator GREGG offered earlier—because the Parliamentarian was saying that one amendment could threaten but not necessarily kill this budget resolution, we asked the Parliamentarian to clarify. He said this has never happened. One amendment has never brought down a budget resolution from a privileged process. So do not make that as an excuse on this budget for stripping this amendment out of the conference report when it comes back, if it is adopted.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I intend to vote for the Ensign amendment. I don't think any of us want to raise taxes on those earning less than \$250,000 a year, and so I intend to vote for the Ensign amendment.

On the question of threatening the special status of the budget resolution, the Parliamentarian made clear this morning in a series of questions that if we brought this matter back from conference, that would threaten the privileged nature of a budget resolution. That would be a very serious matter. But in the Senate, I intend to support the Ensign amendment.

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—98

Akaka	Cochran	Inouye
Alexander	Collins	Isakson
Barrasso	Conrad	Johanns
Baucus	Corker	Johnson
Bayh	Cornyn	Kaufman
Begich	Crapo	Kerry
Bennet	DeMint	Klobuchar
Bennett	Dodd	Kohl
Bingaman	Dorgan	Kyl
Bond	Durbin	Landrieu
Boxer	Ensign	Lautenberg
Brown	Enzi	Leahy
Brownback	Feingold	Levin
Bunning	Feinstein	Lieberman
Burr	Gillibrand	Lincoln
Burris	Graham	Lugar
Byrd	Grassley	Martinez
Cantwell	Gregg	McCain
Cardin	Hagan	McCaskill
Carper	Harkin	McConnell
Casey	Hatch	Menendez
Chambliss	Hutchison	Merkley
Coburn	Inhofe	Mikulski

Murkowski	Sanders	Udall (CO)
Murray	Schumer	Udall (NM)
Nelson (FL)	Sessions	Vitter
Nelson (NE)	Shaheen	Voinovich
Pryor	Shelby	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Risch	Stabenow	Wicker
Roberts	Tester	Wyden
Rockefeller	Thune	

NOT VOTING—1

Kennedy

The amendment (No. 804) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 806

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 806, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, my amendment creates a 60-vote point of order against legislation that will raise income taxes on small businesses. This is the third year in a row that I have offered this amendment. Previously, it has received as many as 63 votes. Last year, it got 58 votes, but it nevertheless was a strong bipartisan showing.

For my colleagues' information, the National Federation of Independent Business supports this because they recognize what we all know, and that is that small businesses are the economic engine that creates jobs. Particularly in a tough economy, exactly the wrong thing to do is to raise taxes on the job creators, our small businesses.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, colleagues should know that the Parliamentarian has told us that if this amendment comes back from the conference committee, it would endanger the special privilege of a budget resolution. With that said, I intend to vote for it here in the Senate. I encourage colleagues to vote for it, if they are so inclined.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I understand what the chairman, Senator CONRAD, has said. My hope is that the conference committee would not reflexively strip this amendment, if it passes by a large bipartisan majority, from the conference report but perhaps modify it in a way that it not render the budget resolution unprivileged.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that to the end of the list of amendments to be considered in this tranche, we add the Kyl amendment No. 793. That is according

to the commitments we had made to colleagues that that would be added to this tranche.

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

The question is on agreeing to amendment No. 806.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—82

Akaka	Enzi	Menendez
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Grassley	Nelson (FL)
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Pryor
Bennett	Hatch	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brownback	Inouye	Schumer
Bunning	Isakson	Sessions
Burr	Johanns	Shaheen
Burriss	Johnson	Shelby
Cantwell	Klobuchar	Snowe
Carper	Kohl	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Wicker
Dodd	McCain	Wyden
Dorgan	McCaskill	
Ensign	McConnell	

NAYS—16

Bingaman	Feingold	Rockefeller
Brown	Harkin	Sanders
Byrd	Kaufman	Voinovich
Cardin	Kerry	Whitehouse
Casey	Merkley	
Durbin	Reed	

NOT VOTING—1

Kennedy

The amendment (No. 806) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 835

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relationship to amendment No. 835 offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that Senator ISAKSON be added as a cosponsor.

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

Mr. GREGG. Mr. President, this amendment is an attempt to move down the road in resolving what is at the center of the problems which we have as a nation for fiscal policy in the future, which is that we are passing on to our children a country they cannot afford, primarily driven by the cost of entitlement programs. There are \$66 trillion of unfunded entitlements.

This is a proposal to start to address that issue through using a fast-track procedure, with a bipartisan task force. The debate this morning was about how that task force is structured. We believe, I feel strongly, that the task force must be bipartisan or will not be viewed as fair.

In order to be bipartisan, a majority of both the minority members of the task force and the majority members of the task force have to vote for the proposal, whether or not there is going to be a membership which gives the majority a significant number of members more than the minority. But that minority membership has to vote as its group as a majority. It is the only fair way to do this; otherwise, you could end up with a report where, let's say, there are six Republicans on the task force and only two approve it. That would not work properly. We need bipartisanship in this effort.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is actually a proposal that Senator GREGG and I have made. But this is at variance from our earlier agreement. Let me explain why. We talked about a membership of 16, 8 Democrats and 8 Republicans. But that is when the Republicans controlled the White House; Democrats controlled the House and the Senate.

Now Democrats have more numbers in the House and the Senate and control the White House. Yet the requirement of this task force is that the bipartisan task force, to report, has to have majority approval of each participating party.

That gives our friends who are in the minority an unfair ability to influence the outcome. That does not recognize the political reality of the Senate controlled by Democrats, the House controlled by Democrats, the White House controlled by Democrats.

Absolutely it should be bipartisan. But it should not be something that weights both parties the same. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—44

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Wicker
DeMint	McCain	

NAYS—54

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

NOT VOTING—1

Kennedy

The amendment (No. 835) was rejected.

Mr. CONRAD. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 844

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 844 offered by the Senator from Idaho, Mr. CRAPO.

The Senator from Idaho.

Mr. CRAPO. Madam President, this amendment is straightforward. One of the reasons Congress cannot control its runaway spending is that we always have 5-year budgets, where the tough decisions are made in the outyears, and in the first year of the budget, we don't make any tough decisions. This amendment will put a cap on the nondefense discretionary spending for the first 3 years of this budget using the very numbers of the budget.

Why do we want to do this? Look at the budget. In the first year of this budget, nondefense discretionary spending grows by 7.3 percent. It is true that in the second and third and out-years, that rate of growth is projected to go down to under 2 percent. But we never get to the second year of any of our budgets because next year we will come back and start all over. We will have a budget where all the pain is in the outyears and the first year doesn't make any hard choices. We need to support this effort to put some teeth into the budget, put caps on at least

the first 3 years of the numbers this budget proposes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I urge colleagues to vote against this amendment. At this time of extraordinary uncertainty, multiyear caps are especially unwise. Beyond that, we have a 1-year cap. This is a budget that will be revisited next year. A 1-year cap makes sense. Multiyear caps at a time of this uncertainty would be most unwise.

I urge colleagues to vote no.

Mr. CRAPO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 844.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Crapo	McCain	Wicker

NAYS—55

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

NOT VOTING—1

Kennedy

The amendment (No. 844) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 836

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate equally divided prior to a vote in relation to amendment No. 836, offered by the Senator from Rhode Island, Mr. REED.

The Senator from Rhode Island.

Mr. REED. Mr. President, I am very pleased to offer this amendment with my colleague, Senator SNOWE of Maine. It is a bipartisan amendment that would increase funding for LIHEAP from \$3.2 billion to \$5.1 billion. That \$5.1 billion is the total we spent this year.

This is a program critical to seniors, critical to low-income people. With unemployment rates soaring in double digits, there are more and more people who will qualify. If we do not raise this ceiling, approximately 1.5 million households will lose help with their heating bills, not only in the winter-time but in the hot months in the areas of the Southwest and Southeast because they, too, benefit from LIHEAP.

Mr. President, I would be prepared to accept a voice vote, hopefully a very positive voice vote. If not, I would ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be approved.

Mr. CONRAD. Without objection.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 869

Mr. CONRAD. Mr. President, the next amendment that is in order is the Whitehouse-Boxer amendment.

Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Thank you very much, Mr. President.

Mr. President, this amendment requires the Senate to balance, on the one hand, the newfound concern of our Republican colleagues about the reconciliation procedure they have used no less than 14 times for purposes such as raising the national debt to give America's suffering billionaires a tax cut against, on the other hand, jeopardy to the economy, to the public health or to the national security of the United States.

It allows the reconciliation procedure to be considered if the Senate finds that inaction on climate change will jeopardize the public health, the economy or the national security of the United States.

I urge my colleagues to vote in favor of the economy, the national security, and the public health of the United States. I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself and Mrs. BOXER, proposes an amendment numbered 869.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Section 202 is amended by inserting at the end the following: “(c) The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.” unless, the Senate finds that public health, the economy and national security of the United States are jeopardized by inaction on global warming.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Nebraska.

Mr. JOHANNES. Mr. President, I ask my colleagues to vote against this amendment. I ask them to vote against this amendment because it is important for Senate tradition.

Some weeks ago, a man whom I respect a tremendous amount, Senator BYRD, and I circulated a letter. It was directed to the chairman of the Budget Committee. It simply said: Please don't use reconciliation to pass complex legislation such as climate change. We got over 30 signatures on that—very bipartisan. We had Democrats and we had Republicans join in that.

If we allow this amendment to pass, basically what we are saying is, under the terms of this language, a majority of Senators can arrive and simply take away our ability to have a robust debate, to have the ability to debate this issue the way it deserves, and this is enormously significant legislation.

So I ask my colleagues to vote no on this amendment. It is important to the tradition of the Senate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, the pending amendment is not germane to the measure now before the Senate. I raise a point of order under section 305(b)2 of the Budget Act.

Mrs. BOXER. Madam President, I ask unanimous consent to waive the point of order.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

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

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—42

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Nelson (FL)
Bayh	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burr	Klobuchar	Shaheen
Cardin	Kohl	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—56

Alexander	Ensign	McCaskill
Barraso	Enzi	McConnell
Begich	Feingold	Murkowski
Bennett	Graham	Murray
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Sessions
Cantwell	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Specter
Cochran	Kyl	Stabenow
Collins	Landrieu	Thune
Corker	Levin	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Webb
DeMint	Martinez	Wicker
Dorgan	McCain	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. CONRAD. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 735

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, on the Johanns amendment.

Who yields time?

Mr. CONRAD. Senator JOHANNES has time in support.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNES. Madam President, let me thank my colleagues for their thoughtful approach to a very important issue.

What this amendment essentially does is say that the budget reconciliation process will not be used to pass climate change legislation. There are many in this body who can talk about this institution and the importance of approaches such as this.

Budget reconciliation was designed to reduce the deficit. It was never designed to pass complex legislation such as climate change. What this amendment does is it very clearly says that. It simply says reconciliation will not be used for that process.

I urge my colleagues to vote yes on this amendment. It is enormously important. I think it is an enormously important statement for this institution.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. I yield the time in opposition to Senator BOXER.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I wish to give you two reasons to vote no on this important, precedent-setting issue. Why would we start down this road taking a legal Senate procedure off the table? Have we ever done this before? We have looked it up and the answer is no.

On the contrary, let me tell you when the Republicans used reconciliation. They used it 14 times in the 19 times it has been used—to cut food stamps, to cut energy assistance, to cut impact aid, to cut title I, to cut dairy price supports, and to cut the Social Security minimum benefit.

Did I ever hear any of them then say: Oh, my goodness, reconciliation should not be used. Oh, no, which brings me to my second reason for voting no on this: hypocrisy and duplicity. Let me tell you what else the Republicans used it for: to cut Federal civilian and military retirement and disability COLAs, to delay and cut disaster loans to farmers. Let's stand tall for what we have a right to have, our rules. Thank you.

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

The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—67

Alexander	DeMint	McCaskill
Barraso	Dorgan	McConnell
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Begich	Feingold	Nelson (NE)
Bennet	Graham	Pryor
Bennett	Grassley	Risch
Bingaman	Gregg	Roberts
Bond	Hagan	Rockefeller
Brownback	Hatch	Sessions
Bunning	Hutchison	Shelby
Burr	Inhofe	Snowe
Byrd	Isakson	Specter
Cantwell	Johanns	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Vitter
Cochran	Landrieu	Voinovich
Collins	Levin	Warner
Conrad	Lincoln	Webb
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—31

Akaka	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Udall (CO)
Dodd	Lieberman	Udall (NM)
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Gillibrand	Mikulski	
Harkin	Nelson (FL)	

NOT VOTING—1

Kennedy

The amendment (No. 735) was agreed to.

Mr. CARPER. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 793

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on amendment No. 793.

Who yields time? The Senator from Arizona.

Mr. KYL. Madam President, my amendment prohibits Federal rationing of health care. A provision of the stimulus bill has raised a lot of concern. Madam President, \$1.1 billion has been allocated for comparative effectiveness research.

Here is the exact effective language from my amendment:

The Secretary of Health and Human Services shall not use data obtained from the conduct of comparative effectiveness research to deny coverage of an item or service under a Federal health care program.

That is all it does. Some say: Why do you need that? We are never going to do that.

Well, then, we might as well say we are not going to do that. But when it came to Medicare Part D, we wanted to be sure we did not withhold coverage of a prescription drug, and as a result we provided that kind of language.

Just last Thursday, the Acting Director of the NIH talked about research in terms of guiding future policies that support the allocation of health resources for the treatment of acute and chronic diseases. That is deciding what to cover and not cover.

My amendment does not prevent the Secretary from protecting patients from unsafe or ineffective drugs. It is simply about using this kind of research to ration health care.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this is a rather remarkable amendment. It basically says we cannot pay any attention to the fruits of clinical research in making decisions about what is covered under health care reform. I find that pretty amazing.

For example, let's say that clinical research shows a certain procedure is not only not good but it is harmful, such as Vioxx, which caused problems for seniors. This amendment says we cannot use that evidence. We cannot use that information. We can't do that because it might suggest we can't use a certain procedure—Vioxx.

This is an ostrich amendment. This is a head-in-the-sand amendment. We want to have the benefits of clinical research so that doctors can make up their own minds what is the best procedure. We want the fruits and the benefit of clinical research to address the quality of health care.

I urge Members to vote for health care and vote against this amendment.

I might say, too, Madam President, that I misspoke earlier when I said who is a cosponsor of the bill. We are urging Senators ENZI and HATCH to cosponsor the bill. They haven't quite done that yet, but I think it is going to happen.

The PRESIDING OFFICER. Time has expired.

Mr. KYL. I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—44

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lugar	Wicker
DeMint	Martinez	

NAYS—54

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

NOT VOTING—1

Kennedy

The amendment (No. 793) was rejected.

Mr. GREGG. Madam President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 806

Mr. GRASSLEY. Madam President, everyone in this body knows that small businesses are an extremely important

dynamic part of the U.S. economy. I like to say that small business is the engine that drives the U.S. economy. President Obama agrees that small businesses have generated 70 percent of net new jobs over the past decade. I was pleased to see that Senator CORNYN's small business amendment passed earlier tonight by an overwhelming vote of 82 to 16.

America's small businesses have been suffering during this recession. Big banks have been cranking down lending to small businesses.

In addition, job losses for small businesses have been staggering. A national employment report released today by Automatic Data Processing shows that 742,000 nonfarm private sector jobs were lost from February to March 2009. Of those 742,000 lost jobs, 614,000, or 83 percent, were from small businesses. Let me repeat that. From February to March, small businesses lost 614,000 jobs, or 83 percent of all nonfarm private sector job losses.

The President's recent efforts to increase lending to the small business sector are commendable. The centerpiece of his small business plan will allow the Federal Government to spend up to \$15 billion to purchase the small-business loans that are now hindering community banks and lenders. However, the positives that will come to small businesses from these loans which will ultimately have to be paid back will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not wise.

The President's Budget proposes to raise the top two marginal rates from 33 percent and 35 percent to 40 percent and 41 percent respectively, when PEP and Pease are fully reinstated. President Obama's marginal rate increase would mean an approximately 20 percent marginal tax rate increase on small business owners in the top two brackets.

Many of my friends on the other side will say that while they agree that successful small businesses are vital to the success of the U.S. economy, the marginal tax increases for the top two brackets will not have a significant negative impact on small businesses.

Proponents of these tax increases seek to minimize their impact by referring to Tax Policy Center data that indicate about 2 percent of small business filers pay taxes in the top two brackets. They argue that a minimal amount of small business activity is affected.

However, there are two faulty assumptions to this small business filer argument.

The first faulty assumption is that the percentage of small business filers is static. In fact, small businesses move in and out of gain and loss status depending on the nature of the business and business cycle. Also, the 2 percent figure from the Tax Policy Center is

well below the percentage actually reported by the Government. For example, a 2007 Treasury study states that, for flow-through businesses in 2006, 7 percent to 9 percent of small business owners paid the top two marginal rates.

The second faulty assumption is that the level of small business activity, including employment, is proportionate to the filer percentage.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20 to 249 workers would fall in the top two brackets. According to the Small Business Administration, about two-thirds of the Nation's small business workers are employed by small businesses with 20 to 500 employees.

Do we really want to raise taxes on these small businesses that create jobs and employ two-thirds of all small business workers? With these small businesses already suffering from the credit crunch, do we really think it is wise to hit them with the double-whammy of a 20-percent increase in their marginal tax rates?

Newly released data from the Joint Committee on Taxation demonstrates that in 2006, the last year for which data is available, 65 percent of the flow-through business income was earned by those making over \$250,000. That flow-through business income will be subject to this budget's tax increases. This is a conservative number because it doesn't include flow-through business owners making between \$200,000 and \$250,000 that will also be hit with the budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases or present data that show a different result.

Madam President, today is April 1. It is known as April Fools Day. It is a day when folks play jokes on one another. But the state of our job-creating machinery, small business America, is no joke.

Sadly, Senators KERRY and SNOWE found out in a Small Business Committee hearing a short time ago that small business is getting the short end of the stick from the big banks. I suspect the treatment is even worse when the big banks getting the bailout money is considered. I put that question to the TARP oversight team the other day in a Finance Committee TARP oversight hearing.

I told one of the witnesses, Professor Warren from Harvard, that we Senators need to stand behind the oversight committee, so that we can get answers from the Treasury.

In any event, it seems to me that we need to step back from the big pieces of recent economic policy and take a look at the big picture. We need to look at

what we are doing. The three pieces I am referring to are the TARP program, the stimulus bill, and this budget. All of these efforts involve trillions of taxpayer dollars.

If our goal is doing the best we can to get jobs to every American who wants a job, then we need to recalibrate our actions. We ought to focus, as President Clinton once said, like a laser beam on job creation.

President Obama and all of us agree at least 70 percent of new jobs come from small business. Let's take a look at how each of these three major pieces of legislation affects small business. On TARP, it looks like we need to make sure that the TARP recipients are providing credit to small business. On stimulus, less than one-half of 1 percent of the \$787 billion went to small business tax relief. Less than one-half of 1 percent.

Now, on the budget, 82 Senators, a big bipartisan margin, agreed with Senator CORNYN that we ought to not raise taxes on small business. Senator SNOWE, likewise, will be pressing the case for small business in a separate amendment.

It may be April Fools Day, but this is no joke. We need to keep our eye on the job creation ball. Rather than hitting a foul ball with taxes on small business, we can hit a home run if we leave their taxes low. Future jobs depend on it.

Mr. CONRAD. Madam President, I ask unanimous consent that when the Senate resumes consideration of the budget resolution on Thursday, April 2, there be 90 minutes remaining for debate, equally divided between the chair and ranking member or their designees, with 40 minutes of that time for debate with respect to the McCain substitute amendment, with 20 minutes deducted from each manager, with the time for debate on the McCain amendment equally divided and controlled in the usual form; that for the remainder of today's session, no sense-of-the-Senate amendments be in order to the budget resolution; that for the remainder of this evening, members be permitted to debate amendments they expect to offer during Thursday's session; that on Thursday, with respect to a vote sequence of amendments, the sequence would be established with the chair and ranking members concurring on any order; that during any sequence of votes established, there be 2 minutes of debate prior to a vote, equally divided and controlled in the usual form; that after the first vote in any sequence, the remaining votes would be 10 minutes in duration.

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

Mr. GREGG. Madam President, for the information of my colleagues on my side of the aisle, we intend to proceed, and I will list the speakers that we have this evening who have informed us that they wish to have time. Tomorrow, when we start the voting sequence, their amendments will be in

order relative to the sequence that they are speaking here tonight; so the purpose of that being they do not have to call up their amendment tonight to protect their position in the order.

We are going to begin with Senator MCCAIN for 15 minutes. It is understood that there will be alternating speakers. On our side: MCCAIN, 15 minutes; Senator VITTER, 10 minutes; Senator COBURN for 10 minutes; HUTCHISON for 10 minutes; BENNETT for 10 minutes; Senator BROWBACK for 10 minutes; Senator SNOWE for 10 minutes; Senator BARRASSO for 10 minutes.

That is not a unanimous consent request. That is for the information of my colleagues. Actually, I ask unanimous consent that this evening, as these people arrive, these Senators be granted those times.

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

Mr. CONRAD. Madam President, in the morning, after the McCain amendment is disposed of, Senator SANDERS would be the first to be able to offer an amendment on our side.

For the information of Senators, tomorrow will be the so-called vote-arama. That means Senators need to be ready to answer votes every 10 minutes, and we will try to move expeditiously and with dispatch.

We thank all Senators for their cooperation today, and I think next up is Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 882

(Purpose: In the nature of a substitute)

Mr. MCCAIN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 882.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCAIN. Madam President, tonight I am pleased to be joined by Senators COBURN, GRAHAM, and HUTCHISON to offer an amendment that will serve as an alternative to the 5-year budget offered by the chairman of the Senate Budget Committee and the 10-year budget offered by the President. Except for defense and veterans affairs, our proposal would cap discretionary funding, reduce our Nation's deficit and debt more than the proposals offered either by the Senate Budget Committee or the President.

This 10-year budget alternative would cap discretionary funding at baseline levels, plus inflation, except for defense and veterans. Defense is increased by \$190 billion above baseline over 5 years. Veterans is increased by \$25 billion above baseline over 5 years,

and other discretionary spending, \$62 billion less than the Senate budget proposal over 5 years, \$229 billion less than the President's proposal over 5 years, and \$759 billion less than the President's proposal over 10 years. Mandatory spending is \$373 billion less than the Budget Committee proposal over 5 years, \$922 billion less than the President's proposal over 5 years, and \$3.2 trillion less than the President's proposal over 10 years.

The deficit would be at \$484 billion in 2014, the Conrad budget, the Senate Budget Committee budget deficit would be \$508 billion, the President's would be \$749 billion. It would be \$448 billion by the year 2019, compared with the President's \$1.189 trillion deficit over 10 years, and the Senate Budget Committee proposal is a 5-year budget.

This results in a cumulative deficit reduction of \$369 billion more than the Senate budget proposal, \$977 billion more in reductions than the President's proposal, and \$3.44 trillion—the deficit would be reduced—than the President's budget.

The national debt would be \$767 billion less than the Budget Committee over 5 years, \$2 trillion less than the President's budget over 5 years, and \$3.5 trillion less than the President's over 10 years. In other words, why, why are we offering this alternative? It is simple. Our current national debt is \$10.7 trillion. I know when we throw these numbers around, like \$10.7 trillion, people's eyes glaze over.

But we are talking about numbers that are unprecedented in the history of this country. The projected deficit for 2009 is \$1.7 trillion. The total cost of the stimulus bill enacted last month is \$1.18 trillion. We gave the TARP, the Troubled Asset Relief Program, \$700 billion. Everyone expects the administration will request up to an additional \$75 billion more.

President Obama recently signed an Omnibus appropriations bill totaling \$410 billion. The Federal Reserve recently pumped another \$1.2 trillion into our markets, and the President's budget request totals \$3.6 trillion.

Earlier this week the administration laid out a plan that will provide even more taxpayer dollars to the domestic automakers. The measure offered by the chairman of the Senate Budget Committee increases spending by \$225 billion over current levels and raises at least \$361 billion in taxes and borrows \$1.1 trillion more than what we expect to borrow under current law.

The President's budget doubles the public debt in 5 years and nearly triples it in 10 years. As a consequence, beginning in 2019, the Government will spend more on interest than on the defense of our Nation: \$806 billion we will be spending on interest, \$720 billion on defense. That is eight times more than we will spend on education, eight times more than we will spend on transportation.

The budget proposals offered by the President and by the Senate Budget

Committee put us on an unsustainable fiscal path, and we will pass on to future generations unprecedented levels of debt that they will never be able to afford.

As I said on the floor of the Senate earlier this week, the President's budget numbers are staggering. On average, his budget adds \$1 trillion to the debt every year for the next 10 years and contains \$1.4 trillion in tax increases. It reinstates the death tax, and it discourages investment by raising taxes on capital gains and dividends. It would create more debt than under every President from George Washington to George W. Bush combined. As others have already warned, the Nation would be bankrupt. This is not just generational theft, it is multigenerational theft.

That we are on a dangerous path is not just my opinion, in fact, it has been acknowledged by the President's Director of the Office of Management and Budget. In a recent interview, Peter Orszag was asked to respond to this statement:

What deficit hawks are really saying is that the number is so huge that it is literally going to swarm over us and destroy us if we do not start dealing with it today.

Mr. Orszag replied:

There is no question that we are on an unsustainable fiscal course, and we need to change course.

The Federal budget must address the most pressing issues facing our Nation, and among these priorities are keeping Americans safe and our Nation secure and all of the other issues with which we are familiar.

The budget must also ensure that taxpayers' dollars are managed in the most fiscally responsible manner by targeting resources to priorities, spending no more than needed, and holding their Government accountable to the taxpayer. This is exactly what our alternative will do. Our plan meets America's needs by spending less and reducing the debt faster than the Democrats' proposals. It caps discretionary spending, except for defense and veterans, at baseline, and increases defense spending by \$190 billion. I would point out we are still in two wars.

It also increases veterans spending by \$25 billion over 5 years. It reduces the deficit to \$484 billion by 2014, compared to the Budget Committee's \$508 billion and the President's \$749 billion. It keeps taxes low, and it shaves, by 2014, \$767 billion more off the national debt than Chairman CONRAD's 5-year budget and nearly \$3.5 trillion more than the President's 10-year budget.

Today, the ranking member of the House Budget Committee unveiled the Republican alternative to the House budget resolution. In an op-ed about his plan in today's Wall Street Journal, Representative PAUL RYAN wrote:

House Republicans will offer an alternative plan. This too is no ordinary budget. As the opposition party, we believe this moment must be met by offering the American people

a different way forward—one based on our belief that America is an exceptional nation, and we want to keep it that way. Our budget applies our country's enduring first principles to the problems of our day. Rather than attempting to equalize the results of people's lives and micromanaging their affairs, we seek to preserve our system of protecting our natural rights and equalizing opportunity for all.

I agree with Congressman RYAN's assessment, and that is why we are here tonight. My friends on the other side of the aisle have become fond of criticizing Republicans for just saying no and offering no alternatives or specifics.

Well, we offered an alternative on the stimulus package. We offered an alternative on the omnibus bill. And we will continue, as members of the loyal opposition, to propose alternatives, complete with specifics and reflecting our philosophy as fundamentally fiscal responsible. I hope this will put an end once and for all to that argument.

Our proposal budgets for 10 years. It achieves lower deficits than the Democratic plan in every year. By 2019, it yields nearly half the deficit proposed by the President. In doing so, we control Government debt so that under our plan, debt held by the public is \$3.5 trillion less during the budget period. It gives priority to national defense and veterans health care. It addresses our critical energy goals. It takes steps to ensure health and retirement security by making these problems fiscally sustainable while preserving existing Medicare benefits for those beneficiaries age 55 and older. It does not raise taxes and extends the 2001 and 2003 tax laws. The nearly identical proposals of the House and Senate Republicans share the same goals of attaining health and retirement security, controlling our Nation's debt, putting our economy on a path of growth, and preserving the American legacy of leaving the next generation better off.

We obviously are living in perilous economic times, but we will emerge from this period with strong job growth, rising incomes, restored confidence, and the ability to meet our obligation of passing on to the next generation the opportunity to make their lives safer, more prosperous, and more enriching than our own. We are dealing with a financial crisis, a housing crisis, and a consumer-led recession. Why then does the President's budget envision borrowing trillions of dollars for new initiatives without spending discipline or offsets? Addressing our most important and immediate problems should be our urgent priority. For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. Are we going to reverse that order and force our children to work hard to pay off our debts because we didn't have the courage to make tough economic choices now? That is what this alternative is about—tough but realistic decisions designed to secure the future prosperity of our country. We were

promised change, and that is what our proposal offers.

In the op-ed I mentioned earlier, Congressman RYAN also wrote that “America is not the greatest nation on earth by chance. We earned this greatness by rewarding individual achievement, by advancing and protecting natural rights, and by embracing freedom. We (Republicans) intend to continue this uniquely American tradition.” The Congressman is exactly right. We have an opportunity to put our Nation back on sound fiscal footing. Let us seize that opportunity. Let us propose, reason, debate and exhaust every means to invest in the future of this country according to our faith in free people and free markets, a faith that has produced more good for more people than ever imagined by our Forefathers. Let us not exploit this crisis for political gain. Let us do what every preceding generation has managed to do—bequeath subsequent American generations a land of unlimited opportunities.

We can, and must do better, I urge my colleagues to support this alternative proposal.

I ask unanimous consent to have printed in the RECORD other provisions in this proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Our proposal also includes:

RESERVE FUNDS FOR:

BRAC-like Social Security and Medicare & Medicaid Commissions that would provide recommendations to reduce mandatory spending by at least 4 percent over the next 5 years, and 7 percent over the next decade.) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than income-relating to the prescription drug benefit).

Sense of the Senate to Protect Seniors. This budget should preserve existing Medicare benefits for those beneficiaries age 55 or older (other than means testing for high-income beneficiaries under the Medicare prescription drug benefit. To make the program sustainable and dependable, those 54 and younger should be able to enroll in a new Medicare Program with health coverage similar to what is now available to Members of Congress and Federal employees. Starting in 2021, seniors should receive support payments based on income, so that low income seniors receive extra support, and high income seniors receive support relative to their incomes.

Comprehensive health reform legislation that reduces the costs, increases access to health insurance, and improves quality of care for Americans.

Enhanced eligibility for disabled military retirees and their survivors to receive retired pay, veterans' disability compensation, and survivor benefit plan annuities.

Energy security activities, including funding for waste storage alternatives, clean energy deployment, refurbishing the transmission grid and increasing the use of nuclear power.

Tax code modernization, including income (includes AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance, and aids U.S. international competitiveness.

Defense acquisition and contracting reform.

Bipartisan and comprehensive investigation into the underlying causes of the current economic crisis and to recommend ways to avoid another crisis.

ENFORCEMENT MECHANISMS:

Point of Order against mandatory spending legislation that increases the deficit until the President submits and legislation is enacted to restore solvency to the Social Security system.

Point of Order against a budget resolution containing a debt held by the public-to-GDP ratio that exceeds 65%.

Point of Order against a budget resolution containing deficit levels exceeding 8% of GDP.

Additional provisions include discretionary spending limits, program integrity initiatives, and points of order against advance appropriations and legislation increasing short-term deficit.

Mr. MCCAIN. We, as the loyal opposition, are required to offer an alternative to the President's budget and that passed by the Senate Budget Committee on a party-line vote. These are tough decisions that have to be made. We must continue to fund defense and take care of our veterans. But we are also going to have to reform entitlement programs, and we all know that. There is no expert or ordinary citizen in America who doesn't agree that we have to reform Medicare, Social Security, and other mandatory spending programs which are consuming a larger part of our budget. We need a bipartisan commission that has the BRAC imperatives, that they meet and we come up with a solution to the burgeoning fiscal problems posed by entitlement programs and other mandatory spending programs.

I was in the other body in 1983, when Ronald Reagan and Tip O'Neill sat down together across the table and negotiated and saved Social Security for decades. That is what we need to do again. After this budget debate is over, why don't we sit down, the President, Republicans, and Democrats, together, and try and solve our Nation's problems. Americans voted for change. Americans want change. That change is to address these compelling and terrible issues that affect this Nation and our future in a bipartisan fashion. It is pretty clear what is going to pass tomorrow night sometime, but wouldn't it be time for us to sit down together and chart a path for the Nation's future in an environment committed to fiscal responsibility on both sides of the aisle and ensuring our children's future?

We will be discussing this more for a short period of time before the vote tomorrow.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 759

Mr. BENNETT. Madam President, I have listened with interest to the comments of the Senator from Arizona. I would like to point out one fact to fellow Senators and to the country: In this proposed budget, there is roughly \$2.2 trillion worth of revenue. There is also roughly \$2.2 trillion worth of man-

datory spending. The mandatory spending eats up all the revenue. That means everything else we spend in a discretionary way—and that includes defense—is going to come out of borrowed money. That is the first time we have ever had that situation outside of wartime. It is a cautionary note. I salute the Senator from Arizona for his remarks.

I rise to comment upon an amendment I have submitted, No. 759. I ask unanimous consent that Senator HATCH be added as a cosponsor of the amendment.

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

Mr. BENNETT. This amendment deals with the tax treatment of charitable contributions. In the trillions of dollars we have been talking about today, it may seem a relatively small amount. But to the people who are involved in it, it becomes a very major issue. It is worth focusing on. As I have said before, I have been called upon by arts organizations in the State of Utah that are very concerned that the contributions that keep them alive have dropped off as a result of the slowing down of the economy. They are hoping they might recover some of that drop-off from Federal dollars. Interestingly enough, the President's proposal calls for a reduction in the tax incentive for people to give money to charitable contributions. So the President is proposing something that will hurt the charities, will cause their income to go down in the name of fiscal responsibility and saying we need more Federal money, so let's change the tax treatment so we get more Federal money from those who would otherwise contribute to charitable contributions, and then turns around and watches the charities come in and say: We have to make that up or we will have to start laying off people. The President talks about saving jobs. The nonprofits provide over 10 million jobs. If they cannot get the money from their contributors and they cannot get the money from the Federal Government, they will lose jobs. It is foolish for us to say: All right, in the name of fiscal responsibility, let's take the money away from the contributors and bring it into the Federal coffers and then, to save the jobs, let's take the money out of the Federal coffers and give it to the charities so the Federal Government becomes the decisionmaker as to which charities get the money rather than the people themselves.

Charitable giving is an almost unique American experience. As we look at other countries around the world, they do not have the level of charitable contributions we have. We contribute an enormous amount to nonprofit organizations, and we do it on the basis of what we want to support. We, unlike European nations, do not have governmental support in the form of expenditures made to churches. You go to churches in other countries, and it is the government that supports them.

Their pews are empty by comparison to the religious services held in the United States because people don't take it seriously. Here the Government stays out of funding churches and says: If you want to have a viable church, a viable religious experience, you have to provide sufficient incentive to the people who align themselves with your church that they will support it out of their own pockets.

That is what has made religion so viable and vigorous in America, because people do support it out of their own pockets, and it does not have a direct Government expenditure, but it does have Government approval of those kind of expenditures in the tax treatment of charitable contributions, tax treatment which the President now says he wants to change. That is a foolish thing to do, and that is why I have offered the amendment, along with my cosponsors. I hope the amendment will be voted on in appropriate fashion tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 799

Mr. BENNET. Madam President, I rise to discuss amendment No. 799 that prioritizes small towns and rural communities in Colorado and all over this Nation at a time when so many there do not have sufficient access to quality, affordable health care. My amendment establishes a reserve fund that addresses inequalities in Medicare and Medicaid reimbursement that fall most harshly on rural areas.

I thank Senator ROBERTS of Kansas for his strong support on this issue. Rural health disparities are truly a bipartisan issue, and I am honored that the distinguished Senator has cosponsored this amendment. I also thank Senator LINCOLN of Arkansas for her cosponsorship. I ask unanimous consent to print letters of support for my amendment in the CONGRESSIONAL RECORD following my remarks.

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

(See exhibit 1.)

Mr. BENNET. The current system disadvantages rural areas in primary care and outpatient services, hospitals, and the supply of providers in the workforce. The problem is truly widespread. In Colorado, almost 75 percent of the counties are considered rural. Health care providers in our rural communities are under enormous pressure to provide broad access to quality health care. They need our help. My amendment can open doors to reducing these disparities. It is important to know that this amendment is written to ensure deficit-neutrality as well. Thus, it is fiscally responsible.

Colorado, like many other States, has a strong backbone of rural communities that work with the limited resources they have. For years, there have been payment disparities between rural and urban areas in Medicare and Medicaid. This imbalance only discour-

ages providers from staying in rural communities and underfunds hospitals that serve as a safety-net for a majority of my population.

Over 90 percent of Colorado counties are considered health professional shortage areas. These areas are severely underserved. They lack an adequate workforce. For example, six counties in Colorado do not have a full-time primary care physician. Fourteen counties do not even have a hospital. We will work hard to ensure that every family has insurance coverage, but this alone will not lead to access to health care services. Small communities need doctors and nurses, along with many other providers. Yet it must be worth their while to take new Medicare and Medicaid patients. Understanding this reality is critical if we are to improve our health care system.

My amendment would highlight that future health care legislation should address rural disparities in a deficit-neutral way. I thank the chairman for all his good work on this budget resolution. I urge support from all my colleagues on this issue and the chairman's thoughtful, important underlying legislation.

I yield the floor.

EXHIBIT 1

COLORADO RURAL HEALTH CENTER,
Aurora, CO, March 31, 2009.

TO WHOM IT MAY CONCERN: The Colorado Rural Health Center (CRHC) is writing this letter of support for Senator Bennet's proposed amendment, which emphasizes the importance of Medicaid and Medicare reimbursement in accessing healthcare services in rural areas of the United States. Serving as the State Office of Rural Health, representing 29 Critical Access Hospitals and 44 Rural Health Clinics throughout Colorado, CRHC would like to encourage Congress to consider rural clinics and hospitals, when deciding future budgetary actions. CRHC understands these are tough economic times, but it is essential that these rural safety net clinics, hospitals, and other providers are able to survive since they are often the sole source of healthcare services serving a community or county.

There are a number of primary care clinics across rural Colorado that are not designated as Federally Qualified Health Centers (FQHCs) also known as Community Health Centers. These rural clinics that are not FQHCs are valuable safety net clinics, yet they have not received the same sort of boost in funding from the federal stimulus package nor do they receive the same amount of assistance from the federal government, leaving them to rely more on reimbursement rates from Medicare and Medicaid to remain viable.

In addition to the Rural Health Clinics and Critical Access Hospitals with whom CRHC directly works, there are numerous other non-FQHC clinics that deliver care to rural Coloradans. As stated above, for some of these clinics, it is the Medicaid and/or Medicare reimbursement rates that help keep their doors open. Any substantial cut in Medicaid and/or Medicare provider rates greatly impacts and potentially threatens the viability of healthcare in rural and underserved areas of our state. At current reimbursement rates, it is becoming more and more difficult for providers to continue to accept Medicare and Medicaid patients due to the abysmal reimbursement. Colorado is

set to cut provider rates yet again this year, due to the \$1 billion dollar shortfall in our state general funds. Unfortunately, this means the federal government is being looked to in order to help strengthen these vital rural healthcare services.

CRHC understands difficult decisions need to be made in regards to the federal budget. We urge you to please consider and improve rural healthcare services by improving the sustainability of Medicare and Medicaid reimbursement rates. Thank you for your consideration.

LOU ANN WILROY,
Executive Director.

NATIONAL RURAL
HEALTH ASSOCIATION,
Kansas City, MO, April 1, 2009.

Hon. MICHAEL BENNET,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR BENNET: The National Rural Health Association (NRHA) strongly supports your amendment to S. Con. Res. 13, the Budget Resolution, to improve the health of 62 million rural Americans. Your amendment, which creates a deficit-neutral reserve fund to target the grave inequities in rural areas, will not only protect the fragile rural health care safety net, it will make health care more accessible and affordable for all rural Americans.

Health care reform which will expand health care coverage is necessary and laudable—in fact, rural Americans lack insurance at a higher rate than their urban counterparts—but there is a greater crisis in rural America: access to health care. Coverage does not equate to access. Over 50 million Americans live in areas where there are too few providers to meet their basic primary care needs. Yet these rural patients face the most daunting of health care challenges. Per capita, rural populations are older, poorer and sicker than their urban counterparts, and illnesses associated with poverty, including infant mortality, are much more pronounced in rural populations.

Rural providers struggle, due to grave inequities in Medicare and Medicaid payments, to keep their doors open. Several Medicare payment provisions, vital to the sustainability of rural providers, are once again set to expire, thereby critically jeopardizing the rural health care safety net providers and seniors' access to care.

Senator, for any health reform to be a success, the health care crisis in rural America must first be resolved—for it does not matter if you have health insurance coverage if you do not have access to a doctor or other health provider. For health reform to be a success, the rural health care safety net must be prevented from crumbling. Three reforms are crucial:

1. Equity in reimbursement must occur;
2. The workforce shortage crisis must be abated;
3. Decaying rural health care infrastructure must be repaired and non-existent infrastructure must be created.

Senator Bennet, the NRHA applauds your efforts and could not support your amendment more. Creating a reserve fund to address the systemic inequities in rural health care and prioritizing eliminating those inequities as a part of health care reform will finally create equity for the 62 million people who call rural America home.

Sincerely,

BETH LANDON,
President.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NOS. 751 AND 787

Mr. VITTER. Madam President, I rise to present two amendments to the

budget resolution. They will be made in order and voted on tomorrow. The first is amendment No. 751. The idea behind that is very simple but important. It is to protect against what many of us fear, which is significant energy tax increases that will hit consumers, manufacturers, farmers, many others in our economy and hurt them as we are trying to recover from this crippling recession.

Specifically, my amendment would add language to what is currently in the budget resolution in the area of the deficit-neutral reserve fund to invest in clean energy and preserve the environment. In that section of the budget resolution, my amendment would simply insert language that it would “not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas, would not increase the cost of energy for American families, would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industry, and would not enhance foreign competitiveness against U.S. businesses.”

No one in this body—in fact, no one across America I know of—has a problem with efforts to invest in clean energy and to preserve the environment.

There is no debate there. What we have a problem with is when we come up to Washington and get in this stale either/or debate—either it is that or it is traditional oil and gas, as if the two have to be at constant loggerheads and as if we do not have to produce under both of those headings very aggressively to get out of the energy deficit we are in. I believe in new alternative renewable energy. I believe in new technology. But I also believe in traditional energy sources as an absolutely necessary bridge to get us to that future.

That gives rise to my amendment. I think it is crucial that we reject those aspects of the Obama budget which would tax traditional energy such as oil and gas, put an enormous burden on those providers in Louisiana and many other places around the country—folks who provide good, reliable energy domestically for our Nation right now—and I believe it would be a similar mistake to adopt whole hog in its present form the President’s climate change proposals which would also place heavy taxes and heavy cost increases on energy consumers.

Now, where am I pulling this from? I am pulling it from the President’s own budget proposals, his concrete, specific proposals on climate change and taxing domestic energy, and I am pulling it specifically from what he has laid out in terms of movement in that direction.

Perhaps the single clearest expression we have in that regard is a statement the President made about his cap-and-trade proposals in January of 2008 as he was in the midst of his Presidential campaign. He was speaking

about cap and trade. He was very straightforward, very clear, and said:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket regardless of what I say . . . that will cost money. They will pass that money on to consumers.

Electricity costs, energy costs, not just increasing at the margin but skyrocketing. Unfortunately, the President has followed through on that promise with regard to his specific climate change and energy proposals. When you look at his budget, they, in fact, ensure this sort of skyrocketing, both in terms of climate change proposals, which this quote directly refers to, but also in terms of producing traditional energy here in this country in areas of oil and gas.

The President of the United States has laid out significant tax increases on domestic energy. This would cost real jobs here and now. It would be a significant antistimulus, and it would hamper domestic production exactly when we need it the most.

Let me repeat—let me back up and repeat—I support investment in new technology. I support development of new alternative and particularly renewable forms of energy, and I have cast many votes in support, in furtherance of that goal. But it is not either/or. It has to be all of the above because we need to build that new energy future based on new renewable sources and new technology, but we also need to get there, and we also need the bridge to get there, which includes traditional energy, produced in this country, particularly natural gas, also oil, so we can cross that bridge, get to the future, without bankrupting ourselves in the process.

It is interesting, just as we are still apparently caught up in this stale either/or debate and we are attacking and taxing and burdening domestic oil and gas production, it is interesting that our neighbor to the north, Canada, is doing exactly the opposite. They are doing exactly the positive thing I am talking about by encouraging both—by encouraging new renewable forms of energy and at the same time encouraging domestic production of oil and gas.

Specifically, in early March of this year, March 3, the government of Alberta announced a new three-point incentive program specifically designed to help keep Albertans working in the province’s energy sector during the current global economic slowdown. The highlights of the three-point plan include a drilling royalty credit for new conventional oil and natural gas wells; a new well incentive program, which offers a maximum 5-percent royalty rate for the first year of production from new oil or gas wells; and to encourage the cleanup of inactive oil and gas wells, the province will invest \$30 million in a fund committed to abandoning and reclaiming old well sites. Those are exactly the sort of incentives in present law that the President

would get rid of. Those are exactly the sort of areas where President Obama proposes moving in the opposite direction with tax increases which are disincentives for much needed domestic production.

To quote the Canadian Energy Minister, Mel Knight, on this announcement of their policy:

While we cannot make up for the impact that global financial markets are having on Alberta, we are doing what we can. This short-term incentive program introduces innovative ways to help spur activity in our energy drilling and service sector during this economic downturn.

That is exactly the sort of approach we should be taking here in this country. Yes, let’s invest in new technology. Yes, let’s develop new sources of energy, new and renewable. But at the same time, let’s maintain and expand the domestic production of oil and gas as that bridge to the future, as that bridge to that new energy future that will take some time to build.

Unfortunately, our President is moving in the opposite direction. He is proposing to levy significant tax increases on domestic oil and gas production. That is bad for our energy security, and it is a major antistimulus which will keep us in recession even longer.

So, again, my amendment No. 751 is very simple. It would simply add to the relevant part of the budget resolution the following language, that it:

would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses. . . .

I commend that amendment to all of my colleagues, Democratic and Republican.

Secondly, Madam President, I will also formally present and have a vote on a second amendment tomorrow, amendment No. 787. Amendment No. 787 has to do with the TARP program, the so-called Troubled Asset Relief Program. Again, it is very simple. It would simply say, except for the TARP money which is already out the door and except for the \$100 billion that is committed to the Treasury’s newest plan to buy up toxic assets—which was the original point all along—with those two exceptions, the remainder of the TARP money will be returned to the taxpayer and bring down the debt, will reduce the debt. That is a significant amount of money. The entire TARP program, of course, is \$750 billion. So far, approximately \$371 billion is out the door. It would also create an exception under my amendment for \$100 billion for this newly announced program of troubled assets. The remainder would go to buy down debt, not increase as much this horrendous debt we are on the road to doubling and tripling under this budget. That would save literally hundreds of billions of

dollars. I daresay, of all of the myriad dozens and dozens of budget amendments we will be asked to consider and vote on, this probably saves the most money, reduces debt the most. If it is not No. 1, it is very close to that.

CBO says they would expect us to never recoup all of that TARP money we are sending out the door. They are guesstimating we will only recoup half of that. So building that into the formula, this amendment will save hundreds of billions of dollars.

But there is another even more important reason to adopt this amendment; that is, to get back to the original intent of the TARP program and not allow it to continue to be used for a slush fund—first by the Bush administration, now by the Obama administration—for every random idea they develop every other week.

As we know, that is exactly the history of this fund and this program. It was proposed specifically to allow the Treasury to buy up troubled assets, to get those off the books of the troubled banks, and that is how it was sold to the Congress, 100 percent lock, stock, and barrel. In fact, Secretary Paulson, at the time, specifically said he did not want to, did not think it was a good idea to invest directly in troubled institutions and get preferred stock. Congress, without my vote, passed the program.

Then, within a few weeks, literally within a few weeks of that passage, everything changed. The original troubled asset program model was thrown out the window and the Treasury started doing exactly what Secretary Paulson said it should not do, exactly what he had previously rejected by directly infusing capital into banks and taking preferred stock.

Since then, there have been at least five other uses of the TARP program which have been imagined and instituted by, really, executive fiat because the underlying legislation has not changed at all.

Then we finally came around full circle this past month under the new Obama administration. Secretary Geithner said: Gee, why don't we use TARP, the Troubled Asset Relief Program, to actually buy up troubled assets? What a novel idea. It was the original idea. I guess if you go round and round often enough, you will eventually come back to where you started. And that is the new program that the Secretary said would take \$100 billion.

My amendment, again, is simple. It says the money that is out the door is out the door. We cannot do anything about that, unfortunately. And we will reserve the \$100 billion for that newly announced program, which was the original intent, sole intent of TARP. But everything else—everything else that was imagined and that TARP was used and abused to authorize since it was first passed—everything else has to stop. If the new administration thinks some of these things are necessary ideas, great; they should come back to

Congress and get real and proper and appropriate authority for that activity, which TARP never was.

In doing so, in adopting this sort of amendment, we will save the taxpayer and reduce the debt several hundred billion dollars, well over \$150 billion by any estimate. If we want to get serious about the debt, if we want to heed the call of the American people to control that runaway deficit and debt, this is the single biggest thing we can do in sight to do that to begin to turn the corner. I urge my colleagues to support this amendment. In contrast, voting against this amendment will essentially be a vote for everything Treasury has done and continues to do outside the original stated intent of the TARP program. I believe that is a very bad vote, both on the substance and in terms of where the American people rightly are.

I commend both of these amendments to all my colleagues. I look forward to further debate and voting on them as we proceed on the budget resolution tomorrow. I thank the Chair.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I wish to speak this evening about an amendment I have filed. Do I understand it is not actually in order to offer amendments at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

MICHIGAN STATE IN THE FINAL FOUR

Ms. STABENOW. Madam President, before talking about a very important and serious amendment I will be offering, I wish to take a point of personal privilege to speak about my alma mater, Michigan State University, that is in the final four. I have to say for the record, I knew they would get there. The final four is in Detroit. We are thrilled at Ford Field, a state-of-the-art facility. They play on Saturday night, and I am saying "go State" right now. For all those listening who are Michigan State fans, let's root them on because it is a point of terrific pride for Michigan State University, after a hard-fought year with, I think, the best coach in the league, Tom Izzo, who is now going to represent us in the final four. I appreciate that.

AMENDMENT NO. 879

Madam President, I have an amendment I will be offering that has been filed, amendment No. 879. I will be offering it tomorrow. I wish to read it briefly because I think it is important to read what this is. This is about climate change and it is about being for something and not just against something, and we have had a lot of amendments doing that.

The amendment says we will decrease greenhouse gas emissions with a policy that will invest in energy technologies, reduce greenhouse gases, create new jobs, strengthen the manufacturing competitiveness of the United

States, diversify the domestic clean energy supply, protect consumers and regions, and include opportunities for agriculture and forestry.

This is the text of the amendment. As I indicated before, my amendment is about what we should be for. We have seen a number of amendments on the floor saying what we shouldn't do and what we can't do. This is about what we can do and what we should do.

This budget is about investing in America's future. Our policy on climate change must do the same thing. As will the budget, if it is done right—and I believe we can do this right—climate change legislation will create new jobs in the great State of Michigan, in the great State of New Hampshire, and all across this country and revolutionize and revitalize our economy if this is done right.

Coming from a Midwestern State where economic troubles are not new—in fact, we now have 12 percent unemployment. I could spend a lot of time, as I have in the past on this floor, talking about what is happening to our families. I understand the risks associated with poorly designed climate policy, but I also understand that our economy—Michigan's economy, the U.S. economy—cannot go forward with the same old policies, dependent on foreign oil and pollution, that harms both our health and our economic interests. Climate change legislation, if designed right, will be a significant opportunity for new jobs and an economic transformation for our country.

Climate change can and must look out for working families and businesses, whether it be a farmer, a manufacturer or a cleantech engineer. That is why I propose this amendment, so the budget instructs the future of climate policy to be well balanced, so it creates new jobs, strengthens manufacturing, and breaks America of our dangerous addiction to foreign oil.

We can no longer rely on the same old technologies and the same old fuels. With new energy solutions come new jobs and new industries. America has always led the world in innovation and invention, and we can do it again with green energy. With or without a climate policy, energy companies, industries, and entrepreneurs must make investments for the future. This amendment will ensure that a cap-and-trade policy will provide direction for future investments. This amendment will direct us toward a smart climate policy that will protect and strengthen manufacturing.

First, we can ensure a level playing field in the world economy by bringing other countries into an international agreement and ensuring that jobs remain in the United States by preventing rising energy costs from being a factor. Second, new manufacturing opportunities will arise. For example, to meet the needs of new clean energy production, new technologies must be produced. The massive scale of this need will create new markets for American manufacturers.

Recent history has shown what happens when we rely primarily on foreign sources of energy. We subject ourselves to less than friendly international governments that can leverage unstable supplies and higher prices against the people we represent. This amendment will take us steps further to reducing our dangerous addiction to foreign oil.

Furthermore, our domestic energy needs will increase over time, and all sources of clean energy should be added to our portfolio. Good investing, wise investing always requires diversification, so we must bring new clean sources of energy into the mix.

This is a national and international problem, and we have to solve this together. Our President now has been spending time with global leaders talking about issues we know we need to be working together on. As he is reaching out to them, we must do that as well. But we know that through this amendment, we will ensure that all regions contribute equitably and help each other as America transitions to a clean energy future.

A successful climate policy also has to include all stakeholders. Agriculture and forestry can make significant contributions to greenhouse gas reductions—as much as 20 percent—with the right incentives. This amendment will provide clear and certain opportunities for landowners as to how they can achieve emission reductions and benefit from doing so.

Overall, this amendment is the road map, I believe, to a reasonable, balanced climate policy. With policies that meet these objectives, we can ensure the American public that greater economic opportunity lies ahead. We can do this while meeting the ambitious emission reduction targets set by President Obama.

Instead of arguing about what we can't do, I urge the Senate to embrace what we can do and what we must do to create jobs for the future, to get us off our dependence on foreign oil, and to improve our environment. This is about the future of the country. I ask my colleagues to support this amendment that gives us a road map on how to get there.

Thank you very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. 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. COBURN. Madam President, I wish to spend some time tonight talking about the budget that is before us as well as some good Government things we can do.

If you are a typical American family, husband and wife working and you are bringing home \$3,500 a month, and all

of a sudden one of you gets a cut in pay, where now you are bringing \$3,000 a month home, what is the first thing you do? The first thing you do, knowing the kind of economic times we are in, is you start saying: What is necessary and what is not? Where can we make up this difference? What can we not spend money on so that, in fact, we are not using our credit cards to finance a living standard that is less than what we have today? Almost every family in America would do that. They would go through and they would say: Well, utilities are important, food is important, clothing for the kids is important, automobile repair, gasoline is important, but building a new addition onto our house isn't important right now. It needs to wait. Going to the movies may not be important. Going out to eat may not be important, in terms of a list of priorities. Every family would look at what their expenditures are and say: Where do we cut spending?

This budget does exactly the opposite of that. We have markedly declining revenues, and we are going to increase spending \$1.3 trillion. The net effect of that is not so much that we might want to do good things for people, but it is that we are going to be doing those good things by taking the money—not from us and not even from our kids—but from our grandkids. So within this budget—the real budget, the Obama budget—are the plans for us to grow Government spending over the next 10 years to a level we have never seen before and at a rate of growth we have never seen before.

Why would we do that? We wouldn't do it with our own home and our own family; we certainly wouldn't do that with our own business. Why is it Congress thinks, and this budget purports, that we can borrow our way and spend our way out of financial difficulty? The fact is, we can't. We cannot do that. It is impossible for us to do that.

The dread secondary effect of that is to cripple potential growth in the future. Let me explain how that works. As we go from \$11 trillion in debt to \$30 trillion in debt, what is going to happen to us? How much inflation ultimately will come about because we do that kind of borrowing? Well, what will happen is everything you have and everything you try to buy will cost more and everything you own will be worth less. So what we are doing is we are generationally thieving, stealing money for us today so we don't have as much problem recognizing the pain.

What is called for in our country today is not growing the Government, it is shrinking the Government. Here is what we do know, according to GAO and IG reports that are published and that any American can find: that out of the money we do spend every year, at least \$380 billion of it is lost to fraud, duplication or waste. Nowhere in this budget is there any attention to any of that; not one place is there attention to it. My friend, President

Obama, campaigned on the fact that the first thing he was going to do was a line-by-line analysis of every department of every program and get rid of the things that don't work and the things that work marginally, make them better. Well, that comes up to \$380 billion. That is what it comes up to.

Tonight I am going to introduce a series of amendments—I know they can't be called up by the unanimous consent agreement we are operating under, but they will be voted on during our votes tomorrow—that are plain common sense and that we would all do with our own business or with our own family; that we would actually put into place. The first thing we would do is we wouldn't give somebody a bonus who is repairing our house who didn't repair our house. Yet every year in this country, this Government pays out about \$7 billion to bonuses to people who didn't perform.

We create a reserve fund so we don't do that anymore. Let me give some examples. We have paid \$8 billion to contractors for nonperformance bonuses—they didn't perform but got paid bonuses anyhow—in the Defense Department. Why would we continue to do that? I will put into the RECORD throughout the evening the line-by-line areas associated with that.

The first amendment says we are going to quit paying for performance that we didn't get, so we will save \$8 billion a year, or \$80 billion over the next 10 years. It will get voted on, and everybody will vote for it, but then in conference it will get stripped out. That is the game we are playing in the Senate this week. Anything that passes, and we put it in, we will take it out in conference. Why would we continue to pay extra money for something that didn't perform the way it was supposed to? I am not talking about not paying the bills—that is a totally different question—and about absolutely not meeting the contract.

I will give you an example. The Census Department had a contract—a no-bid contract with Harris Corporation—for hand-held recorder devices for the census. Oversight hearings were done in the Senate, and we said: What is your plan B if it doesn't work? They said it is going to work, no problem. Now we have spent \$700 billion and paid \$26 million in bonuses for something that doesn't work and will not be used by the census.

Why would we do that and allow that to continue to happen? The Government is rife with that. So why would we not put a prohibition into the budget that has teeth, which says we are not going to pay bonuses for work that didn't meet performance standards? Yet we will vote on it, and it will get jerked right out when it goes to conference because of the connectedness of the elite in this country.

The second thing I have an amendment for creates a reserve fund so we will do exactly what President Obama

said we would do and that is a line-by-line analysis of every Government program: Does it work? Is it accomplishing what it is supposed to? If it is not, we should be eliminating it or fixing it. That may or may not pass. But it will get pulled out, even though that was a campaign promise—not only in the campaign, but in his inaugural statement, as well as in his statement to the Nation. He has embraced the very idea that we need to do that. Everybody knows we need to do that. If you are running a business and have hard times, you go through what is not working and get rid of it. But we don't do that in the Federal Government.

One of the other amendments we will have says we will apply metrics to every program we have. In other words, we will say here is the goal, and we will put in measurements as to whether we are achieving the goal. Then we can, for sure, tell what we are doing. The fact is that 50 percent of the programs aren't living up; 12 programs, specifically, have been on the warning list by the GAO for 10 years, and Congress has done nothing about that. The reason is because they don't want to put a metric system in because they don't know what it is. It might cause them to lose a vote with somebody if, in fact, it is not an effective program.

The third amendment is to offer a reserve fund to set up metrics, so that when we do that and see that things aren't working, we can get rid of them.

The fourth amendment we will offer is another one President Obama advocated. He said this time after time and he believes it and I believe it. The question is whether we will do it. There ought not to be any no-bid contracts for anything above \$25 million. We mandate that there has to be competitive bidding.

It is interesting that when we passed the stimulus, we all voted for it, but when it came out of conference, there was no competitive bidding requirement in the over \$870 billion worth of spending. What does that mean to the average taxpayer? That means you are not going to get good value for the money we are spending. So there is no mandate, even though that is a commitment that was made, and we should live up to it.

So we will have an amendment that says no bonuses if you don't earn it; No. 2, line-by-line going through the budget; No. 3, metrics performance measurements; No. 4, competitive bidding.

Then, finally, an amendment I will offer is something that will make a real difference in people's lives today. The Senator from Texas and I worked on that during the stimulus. What it says is that if you have an IRA or 401(k) and you are underwater on your mortgage and you have money in that 401(k) or IRA and you want to take that money and apply it to your primary residence mortgage, where you are underwater, you can do that without a 10-percent penalty. In other

words, we are not going to penalize you for taking out money you have saved to get yourself out of trouble today.

That will be a controversial amendment, I am sure. The fact is, that is something that would make a big difference for families because they have money locked up, but we have such a harsh penalty for them to take it out; they have to give the Government 10 percent so they can use it to get themselves out of trouble on their mortgage.

There will be two other amendments I will offer. One will be with Senator MCCAIN on an alternative budget, which describes what we should do, and it will save over \$3.5 trillion, compared to this budget, which shrinks the size of the Federal Government and doesn't allow it to grow in terms of nondiscretionary spending, except for defense and veterans. It puts a cap on how fast it can grow. It doesn't raise taxes like this budget does.

The last thing we should be doing—we know the history of what we did wrong in the 1930s and at other times—is raising taxes on individuals and corporations at a time when we are in a deep recession. That is exactly the wrong tax policy to create jobs. So we will be offering all those amendments come tomorrow.

The draft budget increases the veterans spending by \$25 billion over 5 years to take care of the commitments we have made to our veterans. It increases the defense spending, which we need to do rather than decrease it, in terms of real dollars, \$190 billion. It decreases some of our real problems, which is our mandatory spending in Medicaid, Medicare, and Social Security, by \$3.2 trillion less than what the President's budget and this budget will portend. It doesn't play any games with AMT, as far as paying for it. It doesn't raise taxes. It will reduce the cumulative deficit, over the next 10 years, by \$3.5 trillion. It also will give us \$3.5 trillion less debt. It is a budget that reflects a family's budget, that reflects the real times we are in, and it is a budget that says we recognize that if we are going to do something for our kids and grandkids, some sacrifice has to come now. Will people peel at it and shoot at it? You bet.

The fact is, we have a way too big Federal Government. It is highly inefficient. It wastes at least 10 percent of everything it does every year—at least. That is a very conservative estimate. What we are going to put forward is a budget that doesn't do any of those things. When we waste \$80 billion a year through fraud in Medicare, think what that means. That means 20 percent of the money spent in Medicare is defrauded. Our biggest problem is we are not going to be able to keep up with Medicare. Yet we have 20 percent of it that we are not doing a thing about in getting rid of fraud and improper payments. We have at least \$40 billion in terms of Medicaid. We have a Medicaid Program here and a health

care program that will save the States \$880 billion over the next 10 years, and the Federal Government \$400 billion over the next 10 years. That is \$1.3 trillion. It will cover everybody at a level, where every doctor—no matter who they are—will take their insurance and will take the stamp of being a Medicaid patient right off their forehead, and nobody will ever know they are a Medicaid patient because they will have an insurance card just like everybody else. We can buy for them something better than they have and also save \$1.3 trillion.

Why wouldn't we want to do that? That is in our budget. Why wouldn't we want to do that? Why wouldn't we want to create the opportunity so people will have an option? Instead of going to a nursing home, they can have a program that gives them in-home care, and we can still save money.

Going back to what we were talking about on bonuses, do you realize that CMS paid out \$322 million last year to nursing homes that were also on their list as substandard nursing homes? Think about that. We paid out in excess of \$300 million in bonuses to nursing homes that had significant problems in terms of giving the care and meeting Medicare standards in the first place, but we still paid it. Why? Why wouldn't we fix that? We don't want to. It is hard to fix—except our budget would fix that. This budget will cause us to not waste as much money.

This budget recognizes that we have real problems in our country, and the way to get out of it is not to borrow more money and spend more money. It is to be frugal and learn what we were taught by our grandmothers: If you have a penny, spend it wisely. If you have a dollar, don't spend it all. If you get fortunate enough to get more than a dollar, make sure you are saving something for the future.

We all know that is right, but we don't apply it to the Federal Government. Consequently, what will happen is the standard of living of our grandchildren will erode. We are in a seminal moment in this country, where we are going to become on an equal basis with Europe. What does that mean? That means the standard of living in this country is getting ready to drop 30 percent, both by what we spend and the printed money that will come after that in terms of the inflation that will devalue everybody else's assets in this country.

There are a lot of ways to run this Government, but the way we are running it now wouldn't pass muster anywhere in anybody's household. Nobody would throw 10 percent of their money away every year. Nobody would give bonuses to people who didn't deserve it. Nobody would not make measurements about what they are doing to see if it was working. We need a change. The seminal moment is coming. We may not win the budget battle but, in fact, if we don't win the budget battle, the problems are just going to be that much more severe.

The debt load we will carry with this President's budget will shackle the next two generations in this country for their entire lifetime.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. I would like to discuss amendments I intend to offer tomorrow. I thank the Senator from Texas for allowing me to speak briefly. The first amendment is No. 898, which is a point of order against new mandatory spending if the Social Security trust fund dips below \$5 billion.

There is talk about this economy and the effects of a recession, and they are real. But one of the things we found out a couple of days ago is the Social Security trust fund spent more than it took in, in February. The projections for next year are to have a \$3 billion surplus, so the day of reckoning that Senator COBURN was talking about, when it comes to Social Security, is upon us even quicker than we thought. Everybody thought it would be 2018 when we would pay out more benefits than we collect in taxes.

If this trend continues, that will be accelerated by several years. That means the longer we delay in finding a fix for Social Security, the harder the mountain will be to climb. If we put this off one Congress after the next, the solutions that will get us to solvency are going to be too draconian and will hurt people. We need to act now because this problem is getting bigger faster than anybody anticipated.

If we do responsible things about readjusting the benefits for upper income Americans and for Senators, where if we took \$10 less a month when we retire, it would bring about 70 percent of the solvency needed to get Social Security back in balance. Do something on the age that is prospective, that realizes we all live longer. Do something on modernizing the program, so you could have savings on top of the Social Security. There are ways to get there. Increase revenues by raising the cap to have a transition. Let's make sure that people who live past 80—the fastest growing demographic in America—do not outlive their 401(k) plans.

So we have a challenge and an opportunity, and this amendment says that there will be a budget point of order against any budget when there is not a \$5 billion surplus in Social Security.

The second one would be a point of order against any bill that would impose a national energy tax on middle-income Americans. The reason we talk about this is cap and trade. We have to be smart about how we deal with climate change. If we don't watch it, we will create a cap-and-trade system that will be a huge burden on average, everyday Americans. Every time they flip on a light switch, there will be a sales tax. So this point of order is against an energy tax on middle-income Americans.

Madam President, with that, I yield the floor, and I look forward to dis-

cussing these amendments when I offer them tomorrow. And I thank the Senator from Texas for allowing me to speak.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Texas is recognized.

AMENDMENTS NOS. 866, 868, AND 867

Mrs. HUTCHISON. Mr. President, I am pleased the Senator from South Carolina is going to have amendments that will try to bring this budget, which is going to increase the debt in our country, down to a level that can sustain our future generations. So I am proud to work with him to try to do that.

I rise to discuss three amendments I will offer tomorrow as well. I truly believe we have made some progress today because some of the amendments that have passed will have an effect that I think will be positive on this budget.

Anywhere I go in my State, or anywhere I go in this country, people are talking about the mounting debt. It is almost breathtaking because we have never seen this kind of debt. This debt, juxtaposed against our gross domestic product, is the highest we have seen since World War II. We know that World War II and the Great Depression before that were extraordinary times. Clearly, these, too, are extraordinary times, but we have a responsibility to our country and to the hard-working people of our country, and the people who have lost their jobs in our country, to act responsibly.

We have already passed a trillion-dollar stimulus package. We passed another trillion dollars in spending just for this year, much of which was duplicative with the stimulus package. So that is \$2 trillion we have obligated in the first 2 months of this year. Now we are looking at a budget that, over a 10-year period, is going to increase the debt by another \$9 trillion. That is not sustainable. We are coming to a tipping point in which we will not be able to sell our debt because there will be a fear that we cannot repay it. That will be a financial crisis for sure.

So I am offering three amendments, and I would like to start with amendment No. 866. It would provide permanent marriage penalty relief. My amendment would establish a point of order against any legislation that would impose or increase a marriage penalty, which is the most egregious antifamily action in our Tax Code.

One of my highest priorities in the Senate has been to relieve American taxpayers of this punitive burden. The marriage penalty pushes married couples into a higher tax bracket than two single earners earning the same combined income. After years of fighting this issue of equity, the 2001 and 2003 tax cuts made a great stride toward eliminating the marriage penalty by lowering tax rates, doubling the standard deduction, and simplifying other elements of the Tax Code. Prior to the Bush tax cuts, an estimated 25 million

couples paid a penalty for being married in 1999, amounting to approximately \$1,400 per couple.

Enacting marriage penalty relief was a giant step for tax fairness. But we may lose it. Even as married couples use the money they now save to put food on the table, buy clothes for their children, or send them to college, the budget that has been proposed by the President would raise taxes on the top two income brackets, both of which still include a marriage penalty. As a result of increasing the tax rates on this bracket, the President further exacerbates the marriage penalty for married couples in those brackets, effectively reversing the progress we have made in ensuring that marriage would not be a taxable event.

The benefits of marriage are well-established. Yet, without marriage penalty relief, the Tax Code gives a disincentive for people to become married. My amendment would affirm this body's commitment to the institution of marriage by creating a point of order against any legislation that would impose or increase a marriage penalty. We should be celebrating marriage. Marriage and families are the core of our society. We should not be penalizing it.

Amendment No. 868 enacts a permanent deduction for State and local sales taxes. I have worked, since I came to the Senate, to rectify a tax inequity that plagues eight States. They are the eight States that have a sales tax but not an income tax.

Before 1986, taxpayers in these States—Texas, Washington, Nevada, Wyoming, South Dakota, Alaska, Florida, and Tennessee—had the ability to deduct their sales taxes, like every tax-paying citizen from States that impose income taxes. Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local taxes—sales taxes, that is—was eliminated.

Together, the eight States that impose sales taxes in lieu of income taxes fought to correct this injustice from 1986 until 2004, when we finally did correct it. Since then, we have provided extensions every few years, with the current extension set to expire at the end of this year. While the budget before us assumes an extension of that valuable relief for an additional 2 years—through 2011—what we really need is to make this relief permanent.

The majority leader has an amendment, which I have cosponsored, to accomplish this goal. I support his effort, and I welcome his leadership on the issue because it is an initiative that we must accomplish to ensure fairness for our constituents. He certainly was one of the leaders in correcting the inequity in 2004, and I appreciate that.

While I support his effort—I am not opposed to the approach he is taking—I do today rise to offer an alternative approach that ensures a permanent sales tax extension by actually accounting for it directly in the budget.

There is a key distinction between our amendments. The majority leader's amendment requires our States' tax equity to be paid for by other changes in the budget, whether it is spending cuts or other tax increases. I disagree that our States should have to pay for tax relief that not only pays for itself but is granted to taxpayers who do not have sales taxes but do have income taxes, or maybe they have sales taxes and income taxes. It is a fundamental issue of fairness.

While I will support any measure that makes the sales tax deduction permanent, I think we should not have to be held to a higher standard than other States when we are dealing with tax relief that really pays for itself. We should be equal in this country. The Federal Government should not be giving breaks to people who have income taxes but not the same breaks to people who have sales taxes. All the States collect taxes. They do it in different ways. The Federal Government should not pick winners and losers.

The amendment I am offering today will permanently end the discrimination suffered by the eight States that have no income tax but do have a sales tax and don't have the option of that deduction. There should be a deduction, and you should be able to choose. People in income tax States should be able to choose that as their deduction; or if they would prefer, they could also deduct sales taxes. But the people in sales tax States that don't have an income tax should have the same rights.

So I urge the adoption of amendment No. 868 when it is brought forward tomorrow.

Mr. President, I have a third amendment, No. 867. This is the Outer Continental Shelf expansion budget resolution amendment. I wish to speak in support of the amendment I have filed with my colleagues, Senators BOND, VITTER, and MURKOWSKI, which ensures that we will expand domestic offshore energy production on the Outer Continental Shelf.

Section 202 of the budget resolution directs that we reduce our dependence on foreign sources of energy by producing green jobs, promoting renewable energy development, establishing a clean energy investment fund, and encouraging conservation and efficiency. While I support these initiatives, which will play a role in making our country more energy independent, we cannot overlook our own domestic oil and gas resources in the Outer Continental Shelf, which this budget before us does.

The goal of reducing our Nation's dependence on foreign sources of oil is one on which both sides of the aisle should be able to agree. Our President has said we must reduce our Nation's imports of oil. It is irresponsible to put our economic and national security in the hands of unstable and unfriendly regimes. Today, we import over 60 percent of our energy needs, and too much of it comes from unstable and un-

friendly regimes, such as Venezuela and parts of the Middle East. In 2008 alone, we spent close to \$475 billion on imported oil.

This amendment I have will reduce America's dependence on foreign sources of energy, minimize future increases in gasoline prices, and help reduce the debt with new lease revenue. We must reduce our dependence on dictators, such as Hugo Chavez, who control our energy supplies. Increased domestic oil and gas production right here at home, in the waters off our shores, will help us reduce our foreign dependency and make us more energy independent, and we can do it in an environmentally safe manner.

Expanded energy production off U.S. shores will also help us minimize future price increases. With a lack of supply that could force up energy prices, increasing supply will certainly bring it back down. Some will say: Well, oil prices are low now. Why should we drill?

That is exactly the kind of attitude that will ensure that prices go up. We could sit back and wait for oil prices to go back up and then act, but we have more responsibility and hopefully more leadership in the Senate than to wait because we know that if supplies dwindle, prices will go up.

We have oil right here off our own shores. We need to use it. We are the only Nation in the world that has an abundance of energy supplies yet refuses to use them. Other nations either don't have energy supplies or they are trying very hard to get some kind of energy in their own countries. We have the capability to provide for our energy independence and we are not doing it. And we are letting down the people of our country if we don't.

So I urge support for amendment No. 867 when we vote tomorrow.

Mr. President, I just want to end by saying that I am a cosponsor of Senator MCCAIN's amendment that would be a substitute for this budget. I hope to be able to talk on the floor tomorrow about his substitute. I believe we must produce an alternative to this budget. We have certainly criticized how big it is and how much we have to borrow to pay for it and the taxes that would have to be raised. The budget currently before us spends too much, borrows too much, and taxes too much. We can do better in this country. The substitute of Senator MCCAIN and myself and other cosponsors will certainly do more in the area of bringing our budget down to a sustainable size and doing what is right for this country.

It basically freezes spending and adds as the rate of inflation, so the programs in place right now would be able to grow with inflation, but it will show the American people that we mean to cut back in the outyears of this spending so we will not increase the debt. In fact, the McCain substitute will lower the debt that is envisioned in this Obama budget by \$3.9 trillion. This would be our first step toward fiscal re-

sponsibility and doing what the Senate ought to do.

I hope to talk more about the McCain substitute of which I am a cosponsor because I think it is the responsible approach and I think it is our responsibility to provide an alternative.

I ask unanimous consent to add Senator BROWNBACK as a cosponsor of marriage penalty amendment No. 866.

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

Mrs. HUTCHISON. I urge my colleagues to support these amendments when they come up, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 808

Mr. BROWN. Mr. President, I rise to discuss amendment No. 808, an amendment I will offer tomorrow that will protect seniors from identity theft. Every day, some 44 million Americans are at risk of having their identity stolen—simply because they are Medicare beneficiaries. Why is that? We have talked in Congress for years now about removing Social Security numbers from Medicare cards. I think it is time to demonstrate that we are serious about taking action on something that, when you get right down to it, is pretty simple.

It is common sense that Americans should avoid carrying their Social Security number around with them because of identity theft. In fact, the Social Security Administration itself insists citizens should not "routinely carry . . . documents that display [their Social Security number]." Yet Medicare cards clearly display the Medicare beneficiary's health insurance claim number, which is the Social Security number followed by a letter. So anyone interested in identity theft when stealing a purse or billfold containing a Medicare card gets the Social Security number and can then have a Social Security number and can exploit having that Social Security number.

What is worse, on the back of each card, beneficiaries are told to "carry your card with you when you are away from home." Medicare says you should carry your card with you, Social Security says don't carry your Social Security number with you.

Something needs to change. It is not acceptable for the Government to be unnecessarily putting millions of Americans at risk of identity theft. That is why I will offer amendment No. 808, which will give the budget authority to make this change.

Medicare thought, back in 2005—we don't have the numbers since—that

identity theft costs the country \$1.5 billion in 1 year. That is a conservative estimate.

The Congressional Budget Office says, for whatever reason, it will cost \$25 million to remove Social Security numbers from all future cards, so that is the amount we have raised under pay-go in this. It is a downpayment on fully addressing this problem. We owe it to seniors to include the language in our budget. I am confident we can find the \$25 million in savings by reducing waste, fraud, and abuse. That is why this amendment has the support of the Consumers Union and AARP. They both endorsed it. That is how the amendment is paid for. It is budget neutral. Let's demonstrate we are committed to protecting seniors from identity theft.

To recap, Medicare suggests to seniors they should carry their Medicare card with them at all times. Medicare has made a decision to put a Social Security number on the Medicare card. Social Security says: Don't carry your Social Security number with you because if it is stolen, whatever you have with you and that number is stolen, then you can be a victim of identity theft.

We just want a commonsense solution. We want seniors to carry their Medicare card, but we don't want seniors to be victims of identity theft, so we want to take the Social Security number off the card. Medicare could use another identification that protects seniors' confidentiality, protects privacy, and protects the public from anyone interested in identity theft from being able to get access to that Social Security number.

It is a simple amendment. I urge my colleagues to support amendment No. 808.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 840

Mr. BROWNBACK. Mr. President, I will be calling up amendment No. 840 tomorrow. It is an amendment I put forward before. It is an amendment that passed this body last year in the budget debate. We talked about it. I think it is one of the things we need to do to try to be efficient with Government programs, and effective, and to make sure that if we have waste, fraud, and abuse or duplicative programs, they get eliminated.

I draw the attention of my colleagues to a report card. I don't know if they know this, but the Federal Government itself does a report card on itself as to whether its programs are meeting the design of the programs they put forward, are meeting the criteria of the program that was put forward by the Congress, and then this is scored by the Federal Government itself and it gets a report card.

I am not very pleased to note to my colleagues and to the public that the Federal Government, giving itself a grade on this card—if you did it in A,

B, C, D, you would see that the Federal Government's GPA is 1.14. A 1.14 GPA is what the Federal Government has for its own programs, whether they pass or fail this test of whether the program is duplicative, whether the program has accomplished its purpose, whether the program is effective at all.

You can go down through here and you can see—the State Department actually has the highest score that the Government grades for its programs that were reviewed, whether they are hitting the targets the program was designed to do—the highest score. They get a C-plus. You see down here we have the Labor Department, HUD, Education, all with failing scores, and D-minuses at EPA, Homeland Security; a D at Interior, HHS, Agriculture, and Justice.

This is a bad report card. It is never seen as having much significance because nothing happens at the end of the report card, unlike when I was going to school or when my kids now are in school. There is a consequence to not getting a good grade, and you try to improve it. On this one, there is kind of no consequence to it: OK. We got an F. So what? Because there is no consequence.

What I want to do is put a consequence into a Federal program failing to meet its target. And that is this amendment. It is called the Commission on Budgetary Accountability and Review of Federal Agencies; it is called CARFA. It would basically create a commission. Every 4 years, each Federal program would be reviewed. That program would be scored. If the program receives an F, it would be put in the groups of Federal programs that all get failing scores and then be required to be voted on by this body, by the House, whether the program is continued or not. So all the bundled 500 programs—however many there are—those that fail, we would have to vote whether to continue those programs or discontinue those programs altogether, no amendment, limited time period for debate, deal or no deal. Do we eliminate the wasteful programs that have failed? Do we keep them?

This is a process we have done on military bases—it has worked—on consolidating bases to ones from lower priority to higher priority ones. It has not cut military spending, but it has made it more efficient and effective. That is what we should at least be looking at in the Federal Government, to make the Federal programs more efficient and more effective. That is what this amendment would do.

I had a group of college students in today. They were talking about the need to be able to do work programs abroad, study-abroad programs, all which I think are great. They say it has a price tag of about \$3 billion. Look at the deficit we are looking at. That is just way too high. But what if you said: OK, that is a good idea, or, we want to declare war on cancer—that is one I think we ought to uptick on this, say-

ing we want to get a country where within a decade there are no longer deaths by cancer in the United States. If you decide to take care of yourself, the right treatments, this is treated as a chronic disease, not as a death sentence. That is something worth investing in.

Typically, what we do here is say: OK, let's just put it in the stack and we will see if we can get at it. It goes along with all the other programs, even though these programs are failing, and we just try to add it on. What if we said we are going to take out the failing programs within these agencies we are going to eliminate them and take that money and put it on higher priority programs like a war on cancer, like maybe it is work experience abroad. I don't know if that is it or maybe it is green jobs and new energy, a big energy project. We want to get more energy production from the United States. Great, let's eliminate those that have not worked and take that money and spend it on programs that are higher priority.

Maybe these are programs that have accomplished their purposes. We don't need them anymore. It is a novel notion that maybe the Federal Government started a program and it actually accomplished its purposes and we don't need it anymore, so we should move on past it. Yet the way the budget process so often works, the appropriations process works, once it gets in, it never leaves. It just continues on and on rather than us reappraising it or saying is it really meeting the need or is it not meeting the need. This is the way we get at waste, fraud, and abuse, duplication, and programs that have accomplished their purposes.

Everybody here in this body would declare themselves against waste, fraud, and abuse in the Federal Government and say we are going to get to the bottom of this program and we are going to make sure it is efficient and effective. We have heard that from President Obama. Frankly, we hear it from every President who gets into office, that they are going to get at the bottom of this and they are going to make sure these programs are working, efficient and working. Yet the Federal Government, giving itself its own scorecard after President after President said this—and we have a 1.14 grade average, most of the programs failing to be able to do that—they say: Well, so? What are you going to do about it? We are going to continue to get our funding next year anyway.

This is conservative Presidents, this is liberal Presidents who come in. We are always going to create and make a better system and we are going to stop this wastefulness, and it just doesn't happen. This would get added by putting a procedure in place, a required procedure that would cause these programs to be effective or face the consequences. This is sensible, bipartisan, good-government, an efficient way to move forward. It will work, and it is something we need to do.

In closing, I ask that my colleagues would look at this program, and if we get it passed again this year—not strip it out in the conference report, that we would actually do something like this—it would send a notice of credibility to the American public that we are actually going to go at programs, and if they don't work, we are actually going to pull them out. Right now, the public does not believe we will do that. This creates a mechanism, a culling process that we eliminate those, and we could have some credibility with the public that we are going to eliminate programs that don't work, that have waste, fraud, and abuse within them. We have had good bipartisan support of this idea and this proposal in the past. I hope we could have it again in this budget proposal.

Overall on the budget, I still think we are going seriously the wrong way. I did a townhall meeting, tele-townhall meeting last night in my State, talking about the budget. People are not satisfied at all with this process. They think there is way too much deficit spending in it. They think it is failing to hit the mark. They are very upset about a lot of the payouts for big entities. They are saying: What about us? Who is taking care of us? They look at those deficit numbers and the tax increases that are probably going to come behind them, and they just don't like it. They do not agree with it, and they do not think that is a way to move forward as a country; that what we ought to do is really get our house in order.

I am pleased to see people putting forward other options for how they can deal with the budget and with the deficit. I urge my colleagues to vote against this one, and let's start over. Let's get one where we can have bipartisan agreement. Let's get one that cuts back on that deficit. Let's get one that doesn't raise taxes on Americans. Let's get one that can really help us move forward in this crisis we are in today rather than this one that is highly partisan, deficit oriented, tax increase oriented, and is not supported by the vast majority of the American public.

I yield the floor.

Mr. DURBIN. Mr. President, I am pleased to support the Kerry/Lugar amendment that restores the full amount of the President's request for the international affairs budget.

The Budget Committee has recommended a cut of \$15 billion out of \$540 billion from total nondefense discretionary spending—a reduction of 2.8 percent. But it has recommended a \$4 billion cut out of \$53.8 billion from the international affairs account—a reduction of more than 7 percent.

The foreign affairs account, already relatively small in the overall budget, is being asked to carry more than double the percentage spending cut than the rest of nondefense discretionary spending.

Furthermore, the small investment in our overseas engagement is barely

1.5 percent of the entire proposed Federal budget and only 6.8 percent of the national security budget, which includes defense and homeland security. Even at this level of spending, the international affairs budget represents only 0.35 percent of GDP.

Our foreign affairs account is modest compared to what many other similarly wealthy nations spend on such programs.

As we take stock of America's image in the world, it is clear that we need to do more to improve the lives of the world's poor and help stabilize fragile governments and economies.

America's generosity and ability to help other countries are becoming more important to the effectiveness of our foreign policy. In many cases our own security depends on the stability of far-flung places beyond our borders.

With this relatively small account, the international affairs budget funds programs that: reduce tensions with other nations through diplomacy and engagement; lift millions out of poverty through educational, health, and economic programs; bring clean water and sanitation to the world's poor; strengthen fragile democracies and weak states; help with humanitarian, refugee and peacekeeping needs; and send some of most talented Americans to work in some of the most difficult corners of the planet.

At a time when the need for such engagement is stark, we haven't made the investment we need in these critical foreign policy tools.

For example, America's lead development agency, the U.S. Agency for International Development, at one point in its history had more than 5,000 full time Foreign Service officers working on health, education, agricultural, and political development around the world.

Today, while engaged in a global war of ideas and values, USAID has just over 1,000 Foreign Service officers. Its budget in real dollars has been cut by almost a quarter from a high in the 1980s.

Similarly, the Peace Corps, one of our most successful programs at both sharing American values and assistance while also exposing our young people to the people and cultures of other worlds, has seen its budget in real dollars cut by almost 40 percent since its inception in 1967.

At a time when more failed states are in need of international peacekeeping missions, the United States is millions of dollars in arrears in U.N. peacekeeping dues.

This budget is an essential component of our national security. Defense Secretary Gates has said:

The problem is that the civil side of our government—the Foreign Service and foreign-policy side, including our aid for international development—[has] been systematically starved of resources for a quarter of a century or more . . . We have not provided the resources necessary, first of all, for our diplomacy around the world; and second, for communicating to the rest of the world what we are about and who we are as a people.

Secretary of State Hillary Clinton echoed,

The relatively small but important amount of money we do spend on foreign aid is in the best interests of the American people” and “promotes our national security and advances our interests and reflects our values.

The 2006 National Security Strategy, the Quadrennial Defense Review, and the 9/11 Commission all support increased investment in America's diplomatic and development capabilities.

As the Obama administration works to address multiple difficult and dangerous international problems, we have to fully fund the basic tools needed for such engagement.

Last year, 73 Senators, including 24 Republicans, voted for an amendment to restore the international affairs budget to the level requested by the President. The bipartisan message was clear we must continue to invest in our country's international affairs programs.

America's international affairs programs are as important foreign policy tools as diplomacy and defense. Let's make sure they are funded as such.

Mr. KYL. Mr. President, last fall, in a debate with my Arizona colleague, Senator MCCAIN, President Obama decried the “orgy of spending and enormous deficits” that occurred under President Bush.

At a recent press conference, the President told us that America must shun the “borrow and spend” policies of the past and embrace plans to “save and invest.” I agree that we have to curtail Government spending now to protect future generations from historic debt.

So why, after denouncing deficit spending, is President Obama proposing to borrow and spend more than any President ever? His budget is not only the biggest in history; it also creates more debt than the combined debt under every President since George Washington.

Senator MCCAIN told us during the campaign that spending and deficits are two sides of the same coin, that President Obama's spending promises would raise deficits to unsustainable levels; and that huge tax hikes—and not just for the wealthy—would be required to pay for it all.

Now, the President's own Office of Management and Budget Director Peter Orzag has confirmed what Senator MCCAIN said all along, that: the budget will lead to “rising debt-to-gross domestic product ratios in a manner that would ultimately not be sustainable.”

Let's consider some numbers to put that into perspective.

Last year we had a \$459 billion deficit. The Congressional Budget Office now projects it will more than triple this year, to \$1.669 trillion deficit. This budget will double the public debt in 5 years and triple it in 10. This budget does not contemplate one-time investments followed by years of reduced

spending. Instead, billions in new outlays will continue indefinitely. So it is not just about massive spending, but about the permanent accrual of power in Washington.

After bottoming out at \$658 billion in 2012—a level still more than 40 percent above the highest deficit during the Bush administration—the Congressional Budget Office projects the total debt to increase to \$9.2 trillion in 2019, or 82.4 percent of GDP! The Washington Post recently editorialized, “President Obama’s budget plan would have the government spending more than 23 percent of gross domestic product throughout the second half of the this decade while collecting less than 19 percent in revenue.”

Is this the legacy we want to leave for the next generation? Unprecedented debt?

And let’s not forget the finance charges. Beginning in 2012 and every year thereafter, the Government will spend more than \$1 billion per day paying finance charges to holders of U.S. debt.

What does this mean for the average American family? Federal spending on finance charges for our Government’s debt will be about \$1,500 per household for 2009. Under President Obama’s budget, this number would soar to nearly \$5,700 per household by 2019. The interest on the national debt would be so big that it would be the largest single expenditure item in the budget by 2019.

Then there are the tax increases this budget contemplates. President Obama said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by \$1.4 trillion over 10 years. It not only lets some of the existing tax rates expire—thus raising taxes—but implements a new \$646 billion energy tax that will impact every American household—regardless of income—and is estimated to increase energy costs for every family by \$3,168 annually. And it’s described as a “down payment,” meaning there is more to come.

What about President Obama’s suggestion that this deficit spending constitutes “investments” for the future? Most of us would agree that short-term deficits are sometimes necessary to help finance future prosperity. As Stephen Moore writes in the latest *Weekly Standard*, “The 1980s deficits were probably one of the highest-return investments in American history. We bought a victory over the Evil Empire in the Cold War and borrowed to finance reductions in tax rates that launched America’s greatest period of wealth and prosperity: 1982–2007.”

But much of the new spending in this year’s budget is not what the IRS or a well-run business would classify as an investment. Most of it is earmarked for services whose long-term value is difficult to measure.

I’ll quote Stephen Moore’s article again: “The debt we are now incurring is paying for windmills . . . new cars for federal employees, weatherizing

homes, high-speed trains to nowhere, and the like. It buys almost nothing of long-term economic benefit.”

Senator McCAIN was right. President Obama has promised to spend so much that we are looking at record deficits and tax increases on everyone just to start paying for it all. We need to get a handle on this budget before it is too late.

Mr. BYRD. Mr. President, I thank the chairman of the Budget Committee and his staff for their hard work on this year’s budget resolution.

I regret, however, that the discretionary spending level is less than President Obama’s request. The Obama administration, to its great credit, recognizes the serious consequences of the previous administration’s lack of investment in American infrastructure. I will continue to support President Obama’s full discretionary budget request. I look forward to working with the chairman of the Budget Committee on this matter as the resolution moves forward.

I also compliment the chairman for making the right decision to forego reconciliation instructions in this budget. Unfortunately, the House budget resolution does include reconciliation instructions, and that should be of concern to every Senator.

The House provisions open the door in conference to language requiring as many as five Senate committees to report reconciliation legislation—the Commerce, Science, and Transportation Committee, the Energy and Natural Resources Committee, the Finance Committee, the Environment and Public Works Committee, and the Health, Education, Labor, and Pensions Committee. While the House reconciliation instructions are ostensibly for health reform and education bills, they could also be used to report other bills under the jurisdictions of those committees—including climate legislation—as long as the bill complies with the budget’s net deficit reduction instructions. Whatever legislation those committees decide to report, their bills would require only 51 votes for Senate passage. Under the Budget Act, debate is limited to 20 hours, and amendments are sharply curtailed.

I am one of the authors of the reconciliation process. Its purpose is to adjust revenue and spending levels in order to reduce deficits. It was not designed to cut taxes. It was not designed to create a new climate and energy regime, and certainly not to restructure the entire health care system. The ironclad parliamentary rules are stacked against a partisan minority, and also against dissenting views within the majority caucus. It is such a dangerous process that in the 1980s, the then-Republican majority and then-Democratic minority adopted language, now codified as the Byrd Rule, intended to prohibit extraneous matter from being attached to these fast-track measures. The budget reconciliation process will not air dissenting views

about health and climate legislation. It will not allow for feedback from the people or amendments that might improve the original proposals.

If there are rules—such as the Byrd Rule—that frustrate Senators, I hope that they will take the time to understand that those rules exist for a reason. They protect every Senator, regardless of whether they are in the majority or minority party, because even a Democrat in the majority today may have a viewpoint in the minority tomorrow.

I understand the White House and congressional leadership want to enact their legislative agenda. I support a lot of that agenda, but I hope it will not require using the reconciliation process. Again, I commend the chairman of the Budget Committee for excluding reconciliation instructions, and look forward to working with him to ensure those instructions are not included in conference.

Mr. LEAHY. Mr. President, I am in strong support of the amendment offered by Senators KERRY and LUGAR which I and many other Senators on both sides of the aisle have cosponsored to restore \$4 billion to the international affairs function of the budget.

This amendment would not have any effect on the top line for nondiscretionary spending. It is budget neutral.

We have two choices. Cut \$4 billion from the President’s Fiscal year 2010 budget for national security and diplomacy programs as the budget resolution would do, or restore those funds, as the Kerry-Lugar-Leahy-Durbin amendment would do, and which both the Secretary of State and the Secretary of Defense have said is vital.

This \$4 billion is an insignificant amount when it comes to having an appreciable effect on the deficit over the long term, but it will pay immediate dividends in restoring United States influence around the world where it is desperately needed.

The difference we are talking about is whether to freeze funding for international assistance programs at the 2009 level, or to step up to the plate and fund the initiatives President Obama, and Members of Congress of both parties, have recognized are urgently needed.

These funds will be used to put the United States back in the driver’s seat on climate change. They will support the increases for Pakistan and Afghanistan that the Secretary of Defense says are critical elements of our counterterrorism strategy there. It is not just a military strategy. It is also a diplomatic and development strategy.

These are the funds to support that. They will support treatment for millions of people infected with HIV/AIDS. Lifesaving drugs that represent the best of America.

Years from now, countries in Africa, South Asia, the Middle East, and Central Asia will remember what we do today. China is expanding its influence

around the globe. We can step back and watch that happen, or we can show once again that the United States is going to lead by example.

Not very long ago we had that chance with Russia. But rather than look for ways to put past hostilities and distrust behind us and embark on a new relationship, we sought to take advantage in ways that exacerbated that distrust.

Today the relationship is a far cry from what it could and should be, and it will require significant investments in diplomacy to rebuild it.

We can lead in the world, we can build new alliances and work to solve conflicts, promote stability and develop new markets, or we can turn inward. That is the choice we face with this amendment. We are part of a global economy. We face grave challenges, from al-Qaida in Pakistan to drug cartels in Mexico. Climate change threatens the survival of species in ways that may profoundly affect our own survival not fifty million years from now, but within the lifetimes of our children and grandchildren.

This is no time to trifle with the need for American leadership. I thank all Senators for supporting this amendment.

Ms. SNOWE. Mr. President, I rise today in support of the passage of a truly bipartisan amendment to the budget resolution that Senator CARDIN and I are introducing. This vital amendment would address the Government Accountability Office's, GAO, recent recommendations to improve the Small Business Administration's, SBA, management and oversight of the Historically Underutilized Business Zone, HUBZone Program and ensure that only eligible firms participate in this crucial program.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the HUBZone Program, which provides Federal contracting assistance to small firms located in economically distressed areas, with the intent of stimulating economic development and job creation. According to the GAO, as of February 2008, 12,986 certified businesses have participated in the HUBZone Program, since its inception in 1997. And in fiscal year 2007 alone, over 4,200 HUBZone firms obtained approximately \$8.5 billion in Federal contracts. During these troubling financial times, the HUBZone Program is an essential tool in helping small businesses drive our national economic recovery.

Unfortunately, the GAO recently found in its three reports—Small Business Administration: Additional Actions Are Needed to Certify and Monitor HUBZone Businesses and Assess Program Results, GAO-08-643; HUBZone Program: SBA's Control Weaknesses Exposed the Government to Fraud and Abuse, GAO-08-964T; and HUBZone Program: SBA's Control

Weaknesses Exposed the Government to Fraud and Abuse, GAO-08-964T—that the mechanisms that the SBA uses to certify and monitor HUBZone firms provide limited assurance that only eligible firms participate in the program. The GAO report found that of 125 applications submitted in September of 2007, the SBA only requested supporting documentation, which helps to clarify the eligibility of the business, for 36 percent of the applications and only conducted a single site visit for all 125 applicants. While the SBA's policies and procedures require program examinations, the agency only conducts them on 5 percent of certified HUBZone firms each year. This is a glaring lack of oversight that must be rectified.

The amendment we introduce today would take immediate steps to correct the lack of effective administrative oversight by incorporating all recommendations that GAO provided for improving the HUBZone Program. This measure would require more routine and consistent supporting documentation during the program's application process. In its report, the GAO found that the SBA relies on Federal law to identify qualified HUBZone areas, but the map it uses to publicize HUBZone areas is inaccurate, and the economic characteristics of designated areas vary widely. Our amendment would require that the SBA take immediate steps to correct and update the map that the SBA uses to identify HUBZone areas and implement procedures to ensure that the map is accurately updated with the most recently available data on a more frequent basis.

The GAO also found that the mechanisms that the SBA uses to certify and monitor firms provide limited assurance that only eligible firms participate in the program. It reported that more than 4,600 firms that had been in the program for at least 3 years went unmonitored. This amendment would require the SBA to develop and implement guidance to more routinely and consistently obtain supporting documentation and conduct more frequent site visits, as appropriate, to ensure that firms applying for certification are indeed eligible. These common-sense, achievable steps would help to eliminate participant fraud and misrepresentation and ensure that firms applying for HUBZone certification are truly lawful and eligible businesses.

In its reports, the GAO illustrates the SBA lack of a formal policy on how quickly it needs to make a final determination on decertifying firms that may no longer be eligible for the HUBZone Program. According to the GAO, of the more than 3,600 firms proposed for decertification in fiscal years 2006 and 2007, more than 1,400 were not processed within 60 days—the SBA's targeted timeline. As a result of these weaknesses, there is an increased risk that ineligible firms have participated in the program and had opportunities to receive Federal contracts based on

their HUBZone certification. This failure in oversight hurts new and deserving firms in their quest to receive assistance through the HUBZone Program, which is the last thing we need during these challenging and perilous economic times. Our amendment would require the SBA to formalize and adhere to a specific timeframe for processing firms proposed for decertification in the future, as well as require further developed measures in assessing the effectiveness of the HUBZone Program.

Moreover, the Federal Government must strive to continue to provide additional contracting opportunities to those who are legitimate HUBZone firms. I am dismayed by the myriad ways that Government agencies have time and again egregiously failed to meet most of their small business contracting goals. I am alarmed that only one Federal small business contracting program—the Small Disadvantaged Business Program—has met its statutory goal and that the three other small business goaling programs have all fallen drastically short. For example, in fiscal year 2007, the HUBZone Program met only 2.2 percent of its 3 percent Government-wide goal. The Federal Government can and must provide more to our country's hard-working small businesses, and I am confident that this amendment will pave the way for more qualified firms to receive HUBZone assistance. In my home State of Maine, only 127 of 41,026 small businesses are qualified HUBZone businesses. HUBZones represent a tremendous tool for replacing lost jobs across all industry sectors in distressed geographic areas—clearly, this program should be better utilized.

MORNING BUSINESS

Mr. DURBIN. 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.

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

LAS VEGAS CONVENTION CENTER 50TH ANNIVERSARY

Mr. REID. Mr. President, 50 years ago—April 12, 1959—the Las Vegas Convention Center opened its doors for the first time. The first event at the new convention center was the World Congress of Flight's air and space show. Attracting 7,500 attendees, this was the first-ever international air show in American history, attracting the participation of 51 foreign nations. Originally 1.5 million square feet, the convention center has grown over the years to accommodate its popularity to a current size of 3 million square feet.

Today, the Las Vegas Convention Center is a major part of Nevada's culture and a force for job creation and economic growth. More than 46,000 jobs are directly related to the meetings

and conventions industry in southern Nevada. Aside from the jobs directly within the building, the Las Vegas Convention Center also contributes to the success of the dozens of small businesses that serve and supply the trade show industry. This includes florists, office supply stores, caterers and transportation services, just to name a few.

The Las Vegas Convention Center has contributed to Las Vegas growing into the No. 1 trade show destination in America. Clark County hosts more than 22,000 meetings, conventions, and trade shows every year. The convention center has also been home to many of our Nation's most historic product announcements—including the VCR, the DVD player and high-definition television.

By hosting concerts by the Beatles, heavyweight fights featuring Muhammed Ali, events with Presidents Kennedy, Johnson, Ford, Reagan and Bush, the Las Vegas Convention Center has for 50 years played a central role in the fabric of our national culture.

The Las Vegas Convention Center is an example of private industry and public agencies working collaboratively for the benefit of the community. I congratulate the Las Vegas Convention Center—and all those who make it a success—on 50 outstanding years of creating opportunity for the people of Nevada and capturing the imagination of people throughout America.

HELSINKI COMMISSION ACTIVITIES

Mr. CARDIN. Mr. President, I would like to report to my colleagues on the work of the U.S. delegation to the eighth Winter Meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe. This meeting was held on February 19 and 20 in Vienna, Austria. Prior to attending the Winter Meeting, the delegation traveled to Israel and Syria to ascertain the prospects for the Middle East peace process at this critical time.

I had the honor to lead this delegation as chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission.

Joining me as delegation leader in Vienna was my Helsinki Commission Cochair, Representative ALCEE L. HASTINGS. Three Senate colleagues on the Commission—Senator ROGER WICKER, Senator SHELDON WHITEHOUSE, and Senator TOM UDALL—also joined the delegation for the entire trip, as did fellow Commission member Representative MIKE MCINTYRE. Although not a member of the Helsinki Commission, Representative GWEN MOORE also joined the delegation.

The delegation first visited Israel. Our arrival came 3 days after that country's parliamentary elections and in the aftermath of the events in Gaza. We met with Israeli President Shimon Peres, Prime Minister Ehud Olmert,

Likud leader and now Prime Minister-designate Benjamin Netanyahu and numerous other officials. We also visited Yad Veshem and laid a wreath in memory of the millions lost in the Holocaust.

The delegation met with Palestinian Authority Prime Minister Salam Fayyad in East Jerusalem and Palestinian Authority Chief Negotiator Sa'eb Erakat in the West Bank and in each of these meetings discussed the current situation in Gaza and the West Bank, the potential for reconciliation between Fatah and Hamas, and how the United States can be a constructive partner in facilitating the peace process.

In Damascus, Syria, our delegation had a country team briefing with U.S. Embassy staff, including U.S. Chargé d'Affaires to Syria, Maura Connelly. We also held a constructive meeting with Syrian President Bashar al-Asad and Syrian Foreign Minister Walid Al-Muallim, where the delegation pressed them on the need to improve human rights in Syria, encouraged them to assist the international community in bringing Iran into compliance with the International Atomic Energy Agency, and promoted restarting peace talks with Israel.

The delegation paid a courtesy visit to the historic Omayyad Mosque as well as visited the only surviving synagogue in Damascus. A briefing on the Iraqi refugee situation by the United Nations High Commissioner for Refugees, UNHCR, Site Director in Damascus was extremely informative. The delegation was particularly moved by its meeting with a group of Iraqi refugees living in Syria. Their stories of hardship and suffering have galvanized our efforts to improve U.S. policies and activities in support of these refugees in Syria and in other surrounding countries.

The delegation's final stop was Vienna for the Winter Meeting. During the first day of the meeting, our delegation was joined by a delegation led by Representative JOHN TANNER that attended a meeting of the NATO Parliamentary Assembly in Brussels earlier in the week.

A meeting of the Standing Committee, composed of the officers and heads of delegation to the OSCE PA, took place prior to the formal opening. As an OSCE PA vice president, I reported on the latest efforts of the Obama administration to close Guantanamo Bay as a detention facility, an issue of continued concern in the Assembly. Our efforts in recent years to be responsive to criticism of U.S. performance have been well received and provide a stronger basis for us to raise concern about the human rights performance of other countries. In addition to detailing the specific policy changes already announced by the Obama administration, I expressed hope that "these measures will help restore faith in the United States as a friend, ally and leader in the global

community. If the United States wants to lead, we must lead by example."

Cochairman HASTINGS also made a presentation on his work as the Assembly's Special Representative on Mediterranean Affairs, in particular his travel to Morocco, Algeria, Tunisia, Egypt and Israel—all Mediterranean Partner states—last December. He met with parliamentarians and senior government officials to discuss greater OSCE engagement, the Middle East peace process, regional economic cooperation, the prospects of the Union for the Mediterranean, and the Iraqi refugee crisis.

OSCE PA President Joao Soares, Portugal, opened the Winter Meeting before 250 parliamentarians. The opening plenary was addressed by Barbara Prammer, President of Austria's National Council; Greek Foreign Minister Dora Bakoyannis, who chairs the OSCE in 2009; French diplomat Marc Perrin de Brichambaut, the OSCE's Secretary General, and by Representative JOHN TANNER in his capacity as President of the NATO Parliamentary Assembly.

Following the opening plenary, additional discussions were held in each of the Assembly's three General Committees: the First Committee, dealing with political affairs and security; the Second Committee, focusing on economic Affairs, science, technology and environment; and the Third Committee, which covers democracy, human rights and humanitarian questions. Rapporteurs and guest speakers discussed current issues and the prospects for OSCE PA work in the coming year. Among the OSCE officials speaking in committee were Knut Vollebaek of Norway, the High Commissioner on National Minorities; Goran Svilanovic of Serbia, Economic and Environmental Coordinator; Miklos Haraszti of Hungary, Representative of Free Media; and Janez Lenarcic of Slovenia, Director of the Office for Democratic Institutions and Human Rights.

Every member of the U.S. delegation was active throughout the committee sessions. In the First Committee, Representative MCINTYRE reported on the delegation's visit to Israel and Syria, and Representative MOORE called attention to the plight of children in armed conflict and especially their use as child soldiers around the globe. In the Second Committee, Senator UDALL discussed the new prospects for U.S. engagement with Europe on climate change, and Senator WHITEHOUSE called for greater transparency regarding extractive industries, where corruption limits economic progress in developing countries. Senator WICKER responded to criticisms of the United States related to the economic crisis and pushed back against calls for greater trade protectionism. In the Third Committee, Senator WICKER stressed the continued need to focus on religious freedom, which is threatened in many countries of the OSCE region, while Cochairman HASTINGS explained the OSCE Parliamentary Assembly's

important contribution to election observation in the region.

The Winter Meeting traditionally includes a plenary debate on issues that are particularly relevant and timely. This year, the debate focused on a proposal by Russian President Dmitri Medvedev and supported by French President Nicolas Sarkozy for a new European security architecture. Russian Deputy Foreign Minister Alexander Grushko and senior French Foreign Ministry official Veronique Bujon-Barre made opening presentations. Senators WHITEHOUSE, WICKER, and I each spoke in the debate. We stressed the need to maintain a comprehensive definition of security to include respect for human rights and commitment to democratic governance and, while not opposing further work, defended the NATO Alliance which some believe the Russian proposal intends to undercut. There was also considerable criticism of Russia's actions against neighboring Georgia in 2008, with considerable opposition to any attempt to legitimize this action in any new security talks.

As the Winter Meeting came to a close, Representative MOORE took the floor during debate on gender issues to announce her intention to introduce a resolution on the issue of maternal mortality, calling for action to reduce the number of women around the world and especially in developing countries who die due to the lack of medical care in response to complications associated with pregnancy and childbirth. A Greek presentation on piracy as a new security threat and presentations on Kazakhstan's preparations to chair the OSCE in 2010, rounded out the closing issues of the meeting.

In addition to the sessions of the Winter Meeting, the congressional delegation was briefed by the OSCE Parliamentary Assembly Secretary General, Spencer Oliver of the United States, and by the Chargé d'Affaires of the U.S. Mission to the OSCE, Kyle Scott. The delegation had bilateral sessions with OSCE Chair-in-Office Bakoyannis and numerous OSCE officials.

The U.S. delegation also held a lengthy bilateral session with the Russian delegation, during which dialogue between the U.S. Congress and the Russian Duma, among other issues, was discussed. While we do not agree on many issues, we did firmly agree on the importance of continued dialogue.

By all accounts, the Winter Meeting was 2 days of robust debate, and the U.S. Delegation was an active part of that debate, engaging European friends and allies on a variety of issues of importance to the United States. I want to thank my colleagues for the active participation throughout the trip.

At the invitation of the Government of Slovakia, I traveled the very short distance from Vienna to Slovakia's capital, Bratislava. My other colleagues remained in Vienna actively engaged in the work of the assembly discussed above.

Immediately upon arrival in Bratislava, I had a substantive and lengthy discussion with Foreign Minister Miroslav Lajčák. As the Minister had taken office just 2 weeks prior to our arrival, I had the privilege of being the first Member of Congress to meet with him in this capacity. Our wide-ranging discussion touched on the global economic crisis, the Middle East peace process, the situation in the Balkans—the Minister was recently the EU Special Representative for Bosnia and Herzegovina—anti-Semitism, and the plight of Slovakia's Roma population.

Following that meeting, Keith Eddins, the U.S. Chargé d'Affaires, hosted a lunch with leading academics and NGO leaders to discuss current events in Slovakia and the state of U.S.-Slovak relations. After lunch, I met with the chief rabbi and the lay leadership of Slovakia's Jewish community. Finally, before heading back to Vienna, I met with a cross-section of Slovakia's Roma community. As Europe's largest ethnic minority group, the Roma have been victims of some of postwar Europe's greatest discrimination. Congress's attention to issues of importance to this community has been inadequate in the past, but I hope to see that change in the future.

The U.S. House and Senate should both take great pride in the unique ability of the Helsinki Commission to represent the views and values of our country abroad, something which I, as chairman, intend to continue at future OSCE Parliamentary Assembly gatherings, including the Annual Session which convenes in Vilnius, Lithuania, in June and July of this year.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fellow Idahoans, the high cost of gas is taking its toll on my family as well. I have

very little money left after driving to work and paying rent and insurance, to buy food. After everything is all paid for, I do not have any money to stash away for a rainy day. However, Senator Crapo and others are letting us down and trying to give us simple answers. I have spent countless hours researching alternative technologies for transportation as well as power. Senator Crapo and our other elected officials want to tell us the simple way is to drill for more oil. According to government scientists, drilling in ANWR will not actually have an impact for five years if we started drilling tomorrow, and it would only lower gas prices by 1 cent and make no mistake when they say domestic drilling this is what they mean. They want to open more nuclear power plants but nobody wants to take the nuclear waste and Senator Crapo has no problem leaving it in Idaho for us to deal with the nuclear waste of the world!!!! And Senator Crapo has no plans for the waste!! Search the MYT engine; it is a great new technology that just disappeared because oil companies do not want that technology out there. Our elected officials are not working for us and they are stuck in the mindset of oil as the only alternative. I demand and so should you that NASA stops wasting our money going to Mars and INL stops wasting money studying nuclear power and works on a way to make solar power and wind power more efficient. Solar thermal is a new type of solar power that is more efficient than solar panels and produces more electricity. Wind power is great and I see more windmills going up all around Idaho. The truth is the technology and the know how are out there, but our elected officials are stuck in the mindset of oil, coal, and nuclear and not willing to look at alternatives; demand that they think outside the box.

STEVEN.

I appreciate your emails and asking how the energy problem is affecting me and my family. I also hope you still have your integrity and that you honestly do what is right for America. In the 1990s, you were my Aunt's attorney in fixing her estate before and after she died. She was very impressed with you and thought you were an honest man. Please do not let us down.

I am a retired/disabled police officer. I am on an income that is pretty much fixed, but my wife is still working though she is 66 years old, and we are both on Medicare and Medicare Part D. I also take care of my 82-year-old father who lives 30 miles from me and he is also on a fixed income. I have to drive that distance two to three times a week to take care of him. We have a small car, but the prices are getting unbearable. We have cut back on most trips to the store and to take care of my dad. We are still doing okay, but the fear of the unknown grows constantly within us. I wish Congress would get off feeling animals (e.g., caribou) are more important than people. The environmental thing has just gone too far. I believe in taking care of the things that God has charged us with, but the citizens of this country are important, too.

We are constantly fearful of Congress doing away with Medicare and Medicare Part D. Please do the right thing and make this country something proud to live in again.

CLIFF.

Many changes have come about in our life as a result of the high gas prices.

1. Our planned 7,000 mile summer trip with our grandchildren has been scaled back to 500 miles.

2. We do not eat out, and non-essential foods have been cut from our food budget.

3. We must combine our shopping trips to the mall, grocery stores, library, doctor appointments etc. in order to conserve.

4. Our fixed income budget demands that we limit family birthday and special occasion gifts.

5. We never drive our 2005 diesel powered pickup—it costs over \$200 to fill the tank—no money for that.

6. We are grateful that we can grow a garden and that we have economical public transportation that is available to use in getting to some locations in our city.

7. Retirement, which was quite comfortable for several years, is no longer comfortable—we must watch every penny.

Thank you for allowing us to vent. We must go after the resources within our borders and become energy independent!

JACK and PATRICIA, *Pocatello*.

I e-mailed John Boehner and Bill Sali regarding the idea of a new contract with America. I think we need it badly. I recommend it be called "The Freedom Contract with America." Specifically, it could contain the following:

(1) Freedom from foreign oil and high gas and diesel prices—bring up a vote for the "All of the Above" energy bill of the Republicans.

(2) Freedom from high taxes—bring up a vote to make the tax cuts of 2003 permanent.

(3) Freedom from any more illegal immigration—draft, debate, and vote on a plan to complete the securing of our borders and deal with the existing illegal immigrants in this country.

That is it. Three items that would resonate with the American public. Pledge to bring these up for a vote in the first 100 days if a Republican majority is elected to Congress. The left-wing media and the Democrats would mock it and call it desperation. It does not matter. Take a risk. What do we have to lose?

Anyway, I just wanted to mention to you this thought.

DAVID.

You asked for stories on how high gas prices are affecting people's lives. I provide occupational therapy home health services to children with behavioral, cognitive, sensory, and/or physical impairments that affect the development of skills for functional living. I live in southeast Idaho, and we have a shortage of therapists. These high prices are affecting how many clients and which clients I can see. I tend to see the clients in the more rural or hard to get areas. I now pay \$250-\$350 a month in gas, and only see that going up. This is going to affect whether some families receive the services they so desperately need. It may end up being that only those close to town get services.

We have been spoiled as a nation to consume, consume, throw away, and use more energy that affects global warming than all the other nations put together. They are used to paying higher rates, we are not. I understand that; I just want it to somehow be affordable. I do not want to have to change jobs as I love the one I have! I do not think the idea of adding a tax will help as the oil companies will just pass that on to us, the consumers. I think they do need to pay their full income tax (especially since they have been making billions). Nor do I think drilling in the Arctic refuge areas is the answer either—(I would rather use someone else's oil as long as possible). I think the answer is in energy alternatives. Electric cars/solar cars have been around since the 1960s—however oil and big money kept the companies from further developing those as a priority. Well, the time is now. Develop incentives and cash breaks for people to buy, try, or rent electric, solar, or hybrid type of vehicles. These need to be developed and made available to consumers at reasonable rates. It is the ev-

eryday person that needs those types of vehicles, not just those in the higher income brackets. Possibly offer higher reimbursement consideration at tax time for mileage usage. (i.e.: instead of 46.5 cents per mile, it may need to be 60 cents per mile)

Please, find a way for us to be able to continue to keep our jobs, buy our groceries, have the occasional vacation, and to provide services to those in need.

AJ.

I wrote an email to you recently about the effects of the energy crisis. My son, living in Alaska, has a different perspective that is well taken. Please consider his position, explained in his e-mail below.

CHERYL.

I have a different view of the gas "crisis." I personally am glad that gas prices are increasing and oppose any type of increased harvest of fossil fuels in Alaska. There is a large amount of stored energy beneath the soil in Alaska but it is finite. Once it is used . . . it is just that. The locations of the proposed drill sites in Alaska are remote. Of course the infrastructure to support the harvest can easily be constructed but who will pay for that? We will. I think in today's economy it is unrealistic to ever expect much of a decrease in gas prices. The oil companies are not going to ever give up their profits for the benefit of the general public, regardless of where they drill. It is like a drug dealer luring his addicts in little by little. Pretty soon we are hooked and feel that we cannot survive without it. We as the American public like the addict have become lazy and see no way to survive without "getting more." In rehab they used the old cliché, "Insanity is continually doing the same thing and expecting different results." We the consumer, like the drug addict, have the power to change our present situation. God has blessed us with the faculties to adapt to change and develop solutions to our problems. The recent energy crisis in Juneau is a good example.

In May, an avalanche destroyed the power line responsible for transporting electrical power from a hydro-electric power plant to Juneau. Diesel generators were used to produce energy for the city of over 30,000 people while repairs could be made. The power company announced that the cost of repairs would result in an increase to the consumer of 500% per kilowatt hour. Neither business nor resident had ever planned on such a drastic and sudden increase. What were we to do? What we did was listen to people who had studied and prepared for such things. Most had previously been touted as, "extreme left wing environmentalists." However, now their experience, ingenuity, advice, and insight was publicized in local newspapers and radio shows. Flyers were sent out in the mail with suggestions on how to go about daily life while drastically cutting power consumption. What happened in the face of financial disaster? We listened, took the direction and embraced change. It was extremely difficult at first, and somewhat bizarre. Million dollar homes had clothes drying on lines in the front yard. Grocery stores and businesses turned off the lights and the neon signs that line the streets. People stopped watching televisions in the evening. We took either fewer showers or cold ones to eliminate the need for water heaters. Meals were prepared for ahead of time and planned so that the use of ovens and microwaves decreased. We bought fewer groceries to eliminate the need for a second refrigerator. We used blankets rather than run the electric furnace. I wore my clothes to 3 and 4 times before washing, unless they became soiled to an unsightly point. The re-

sult was an overall decrease in power consumption by the entire city of over 30%.

The power company took note of that immediately. AEL&P (the power company) had originally planned on taking three months to complete the repairs. That would have resulted in the 500% cost increase to last twelve months. Instead, in large part due to the drastic decrease in energy consumption, AEL&P decided it would be in their best interest to return things back to normal ASAP. The repairs were made in one month with the increase lasting only three months. Guess what? Even though our supply is back, people took note and are still working to conserve. At first everyone panicked, and felt that it was a hopeless situation. Some of the meter readers even got beat up by the residents of the metered houses they read. Those idiots are still addicted to their lazy way of life, and are the ones who are asking the government for help to pay their power bills. Those who were not resistant to change are now on to a better, freer way of life. We do have a choice. That is the American way.

In my opinion it is no different than the message taught by the church in its admonition to store food and supplies. The Boy Scout motto is "Be Prepared." I personally think we should take it to heart and be prepared for anything. I for one do not want to be dependent on anyone . . . especially a for profit corporation that makes billions of dollars in profit each quarter.

In Alaska, the oil and mining industries lobby Native American villages and corporations (which own the land) to support their cause. They pay poor communities big bucks to have their citizens do TV and radio spots in support of the company's agenda. They capitalize on the poverty of the people to help them sell their cause, all in the effort of making another dollar. I guess it could be seen as an even trade until the resource is used up, the people who have been dependent on the money from that resource abandoned and the executives of the oil company sitting on top of a fat fortune.

I do not mind paying more money for gasoline right now because I see it as a catalyst for change. I can choose whether or not to purchase the gas. I live about 15 miles from work. It takes me just under an hour to ride my mountain bike one way. I get fit, have time to think, breath fresh clean air, and do not use gasoline. FYI . . . gas just hit 4.75 here and is expected to top \$5.00 by the end of the week. They're telling us that September will be even worse with prices topping \$6.00.

I live in Alaska. We have the greatest stores of fossil fuels in the country. We also pay more to use those fuels than most places in the country. I am not at all in favor of harvesting the natural resources here, and defacing the last unspoiled place in our country to foster the laziness of the rest of the country. Forget about gas prices. Buy a bike, turn off the television, work in the garden, do more manual labor. Supply meets demand. Demand less and the supply will be greater. Produce more the demand will continue to increase . . . just like dope.

This is just my opinion. I wish all of you could experience Alaska. Not the cruise ship, guided hunt/fishing trip Alaska. Come spend some quiet time with me in the woods where you know that when you walk five miles into the brush, you will not come across another soul walking upright on two legs. I hope this letter did not offend any of you. I will not apologize for my feelings but hope I have remained tactful in expressing them.

SHANE.

You requested a couple of paragraphs about how we are affected by high energy prices so I am responding. My husband and I

retired to Kamiah in 1991. We really liked the small community and being close to outdoor activities. Since then, our property taxes have tripled. The town is now considered a retirement community (according to our insurance company), so car insurance has gone up. Every time our Social Security gets a cost of living raise, then Medicare takes most of it.

If we need to buy some reasonably priced clothing or other items, we have to drive 70 miles (one way) to Lewiston. So, it is costing us \$20 plus to go shopping for necessities. Yes, there are towns approximately 30 miles, but on a fixed income the price of clothing and other essentials prevents us from shopping in these towns. The gas stations in this town have finally settled down to the national average, but they were charging 10 cents higher than the national average.

We can no longer afford to go to Lewiston for a nice dinner to celebrate a birthday or special occasion. I do hope you can do something. If nothing else, make sure that Social Security gives us a cost of living raise at the start of next year that includes the high price of gas and groceries, and that Medicare does not take it away.

MARILYN.

The high cost of energy has made me realize that the problems will not be solved by the government. This national crisis has been identified as coming for 30 years with little or nothing to fix it, and most of the time laws are passed that aggravate the energy problem.

Homeowner associations prevent modifications to homes in developments to add solar or wind energy generation appliances to "preserve property values". New housing development companies disregard plot alignment that prompt use of solar energy. Every few developers build homes this smart home technology installed that has been available for 20 years. The added cost of smart home technology would be a tiny fraction of an added cost at construction time and a major cost to retrofit but would pay back in 5 years or less in energy savings when utilized. "Passive Annual Heat Storage" is a technology that would have a major impact on energy savings but will never see any support because it leaves the money saved in the pocket of the homeowner and does not go to some alternate energy conglomerate.

I have personally drawn a circle on the map around my house and anything within one mile I walk to. Anything within three miles I bicycle to and if I have to drive I plan at least three stops or I wait until I have three stops. Any family member that do have to drive are hunting for jobs closer to home and we phone relay to have any one going by a store pick up thing needed so a trip home from work can pick up for a number of family member.

PERRY.

I am writing you this e-mail because of the gas prices. I am a single mom of three boys, and I work a full time job. These three or four years I have not had to get help from the state and was able to make it on my own without the help from the state. But now that the gas prices keep going up I might have to get that help again, just to be able to feed my boys. Life right now is getting too hard when I have to my choice of making sure that I can provide the food for my boys or put gas in my car. So that I can get to work every day and it has been hard. Plus I think that these gas prices are wrong for the amount we are having to pay, but if we do not pay that amount then we do not have a job and no money to buy food and etc. Something needs to be done and stop the gas

prices from going up any more so we as Americans can make it. So please help us.

FELICIA.

ADDITIONAL STATEMENTS

COMMENDING KAMEHAMEHA SCHOOLS—HAWAII

• Mr. AKAKA. Mr. President, I congratulate the Kamehameha Schools—Hawaii Athletic Department and coaching staff for winning the Positive Coaching Alliance's, PCA, coveted Honoring the Game Award of 2009. The mission of the PCA is to foster a "positive, character-building youth sports environment." The award goes to schools or organizations serving athletes of high school age or younger that embody PCA principles in using sports to teach life lessons. Honoring the Game Award winners will be recognized at the Eighth Annual National Youth Sports Awards Ceremony at Stanford University's Maples Pavilion on April 24, 2009. This year Kamehameha was one of three schools selected to receive this award and the only school noted for multiple sports programs.

I wish to acknowledge Kamehameha Schools—Hawaii's vision, commitment, and diligent efforts to create and uphold a positive athletic environment for its students, coaches, and fans. Kamehameha is the first PCA-partnered school in the State of Hawaii, and it requires all leaders, coaches, parents, and students who want to participate in the school's athletics programs to attend PCA workshops to be eligible. Additionally, it has integrated the school principle of *pu'uhonua*—sanctuary—into the 22-sport athletics program, ensuring appropriate behavior toward referees and other visitors. I wish to acknowledge all members of the Kamehameha Schools—Hawaii Athletic Department on their noteworthy accomplishment. I wish to give special recognition to athletic director Bob Wagner, headmaster Stan Fortuna, and school principal Ninia Aldrich.

However, this sort of large scale effort cannot be done without the cooperation and support of all of the student-athletes and their families. I commend the entire Kamehameha Schools—Hawaii community for their initiative and understanding in establishing the high level of sportsmanship and respect that has earned this award.

I encourage these coaches and students to continue their dedication to teamwork, character-building and positivity that helps the young athletes of today become the model citizens of tomorrow. I wish nothing but the best for the students, their families, and their coaches and wish them and the athletic program continued success in future endeavors.●

TRIBUTE TO TESSA SHUMWAY

• Mr. BAUCUS. Mr. President, I would like to recognize Tessa Shumway of

Terry, MT—this year's winner of the National Disaster Response Preparedness Award from the American Red Cross. Tessa is from Terry, a small town in eastern Montana.

In Montana, we are proud of our open spaces, of our outdoor heritage and our rural landscape. We didn't get the title "Big Sky Country" by filling our land with skyscrapers or high rises or byways. We are hard working, quiet people with the grit to build our lives on some of the most beautiful and rugged land on Earth. We are Montanans.

Of course, living in Montana's rural communities can create some challenges. For folks in places like Ismay or Brockaway, when disaster strikes, the nearest help may be miles away. And that is where Tessa Shumway comes in. Tessa is the face of the Red Cross across 10 counties in eastern Montana. Her territory is larger than the entire State of Indiana.

She is on call 24 hours a day, every day of the week. She is the local disaster chair, disaster instructor, preparedness trainer, volunteer recruiter and statewide disaster committee co-chair. In addition to all this, Tessa holds a regular day job as a bartender at the American Legion in Terry.

Tessa received the Disaster Response Preparedness Award not only for her years spent helping the folks of eastern Montana, but also for the new volunteers and Red Cross workers she has trained. It is impossible to know how many lives she has touched, how many people she has helped, simply by passing her knowledge on to others.

I would like to congratulate Tessa, her husband Zane and two children, Josh and Katrina—as well as the folks of Terry, who have a true hero in their community.

March of 2009 was a difficult month for Montanans. Several tragedies shook our State, from a deadly explosion in Bozeman to the tragic plane crash in Butte. Montana's Red Cross stepped up to help folks recover and rebuild. Tessa herself was on hand to help victims of the fire in Miles City and find shelter for folks displaced by dangerous winter storms.

I believe service is one of the most honorable things a person can do. Whether it is service to one's community, State or country—service is the most noble of all human endeavors. That is why I would like to recognize Tessa Shumway as a Montana hero—a woman who has given so much of herself to her neighbors and to the people of our State. We are lucky to have her under the Big Sky and I am proud to call her a fellow Montanan.●

TRIBUTE TO PATRICK J. FINNERAN JR.

• Mr. BOND. Mr. President, I wish to honor a fine Missourian, Patrick J. Finneran, Jr., for his distinguished career as well as his record of community activism.

In 1967, Pat graduated from the University of Notre Dame, where he was

an ROTC cadet. Upon graduation he was commissioned a second lieutenant in the U.S. Marines and reported to the Officers Basic School. Following successful completion of naval flight officer training, Pat was ordered to Vietnam for combat duty with the First Marine Air Wing.

Having served his country honorably, Pat departed from the U.S. Marine Corps in 1987, with the rank of lieutenant colonel. Though leaving the military, Pat remained involved in national defense. He joined the McDonnell Douglas Corporation, which eventually became the Boeing Company, as manager of business development for the AV-8 Harrier Program and later rose to become the president of Boeing's Support Systems Division, Integrated Defense Systems.

Aside from his professional career, Pat has served the State of Missouri and the Nation as a respected citizen. His love of country has shown itself in Pat's two sons, one a Marine Corps major and another with the Alcohol, Tobacco and Firearms agency.

Pat will retire from Boeing on April 1 of this year. From his honorable service as a lieutenant colonel in the U.S. Marine Corps to his current post with the Boeing Company, Patrick Finneran, Jr. has always worked to inspire those around him with a sense of duty and pride in their country.

I thank Pat and his family for their service to our Nation, and I wish them all the best in their future endeavors.●

REMEMBERING RON SILVER

● Mr. LIEBERMAN. Mr. President, on March 18, the lights were dimmed by theatres on Broadway in tribute to a talented actor and a passionate patriot. Ron Silver's life was cut short by cancer and, as a result, America lost an individual who was not just a marvelous entertainer, but an engaged and active citizen.

I was proud and privileged to call Ron Silver my friend. Everyone who knew Ron was impressed by his intelligence, his humor, and his passion. He was not the distant celebrity, but rather he was a man of humility who possessed great talent.

Ron's acting ability was recognized in 1988 when he won a Tony Award for his performance in the play "Speed-the-Flow." He was known to millions of Americans for his roles on television in "Rhoda" and more recently as the political operative in the "West Wing."

Ron's had a deep and abiding love for America. He took the responsibilities of citizenship very seriously and he was active in the public square. Ron was one of the cofounders of the Creative Coalition that advocated for support for the arts. As Ron once said, "I'm an actor by calling but an activist by inclination."

I believe that Ron was a political liberal in the best and truest sense of the term. In the aftermath of the 9/11 attack, Ron recognized that our progres-

sive values and our national security were most threatened by the forces of radical Islamic extremism. He became an eloquent and effective advocate in winning the war on terror and defending our values and country.

Some said Ron Silver changed his political orientation. In reality, he was entirely consistent in his belief that we can never be complacent when the values we cherish are under attack whether at home or abroad.

Although Ron had political differences with some of his old friends, it rarely affected their friendships. He understood that people of good faith could have political differences and still get along. That dynamic is reflected in some of the tributes that I have included at the conclusion of my remarks. We can all learn from Ron's example.

Ron Silver was a passionate patriot who entertained us, moved us and made us think. My prayers and wishes are with his family and many friends. He was an original and will be sorely missed.●

HONORING ENCHANTMENT WEDDING SERVICES

● Ms. SNOWE. Mr. President, today I wish to recognize Enchantment Wedding Services, a small business in my home State of Maine that is led by an innovative and caring entrepreneur who is using her talents to lighten the burden for those struggling with breast cancer.

Enchantment Wedding Services is the brainchild of Ellie Bowie, a notary public who has been officiating wedding ceremonies for over a decade. She recently opened a shop on Main Street in Lisbon Falls, where she began selling wedding gowns, in addition to offering wedding services. Aside from its dresses, Enchantment Weddings sells tiaras, gloves, and veils, and Ms. Bowie hopes to soon carry bridesmaid dresses at her shop. Enchantment Weddings purchases both new and vintage wedding gowns from the Making Memories Foundation, a group that focuses on granting the wishes of terminal breast cancer patients, as well as providing education about the disease and resources available to these patients. The dresses are all elegant Victorian or Edwardian styles, many of which were donated to the organization by high-end bridal boutiques nationwide.

Committed to helping the Making Memories Foundation in its efforts, Ms. Bowie returns 5 percent of the price of each gown's sale to the Brides Against Breast Cancer program, an initiative of the Making Memories Foundation that raises money to help breast cancer patients and their families. She was inspired to engage in this partnership by her grandmother, a breast cancer survivor who lived to be 96, as well as a close friend's mother who is fighting the disease.

What makes Ms. Bowie's business all the more impressive is that it is, in es-

sence, her second job. Ms. Bowie works fulltime for a local trucking company, and operates Enchantment Weddings during evenings and weekends. Ms. Bowie's commitment to her business is remarkable, and her passion for making a difference in the lives of the hundreds of thousands suffering with this disease is nothing short of inspiring.

Mr. President, too many women and men will find out this year that they have breast cancer. But fortunately for them, our country has people like Ellie Bowie, who will ensure that America's greatest strengths—its benevolent nature and kindhearted spirit—never fade. I thank Ms. Bowie for her thoughtful, creative, and compassionate efforts, and wish her and her business the best of success.●

MESSAGE FROM THE HOUSE

At 12:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 151. An act to establish the Daniel Webster Congressional Clerkship Program.

H.R. 577. An act to establish a grant program to provide vision care to children, and for other purposes.

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

H.R. 985. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

H.R. 1029. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

H.R. 1253. An act to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable.

H.R. 1259. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 54. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that pursuant to section 13101 of Public Law 111-5, and the order of the House of January 6, 2009, the Republican Leader appoints the following member on the part of the House of Representatives to

the HIT Policy Committee: Mrs. Gayle Harrell of Stuart, Florida.

The message also announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. RUPPERSBERGER of Maryland, Mr. CUMMINGS of Maryland, Mr. KLINE of Minnesota, and Mr. FRELINGHUYSEN of New Jersey.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 151. An act to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

H.R. 577. An act to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

H.R. 985. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

H.R. 1029. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes; to the Committee on the Judiciary.

H.R. 1253. An act to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1259. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on Rules and Administration.

MEASURES DISCHARGED

The following bill was discharged from the Committee on the Judiciary by unanimous consent, and referred as indicated.

S. 718. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*James N. Miller, Jr., of Virginia, to be Deputy Under Secretary of Defense for Policy.

*Alexander Vershbow, of the District of Columbia, to be an Assistant Secretary of Defense.

*Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Air Force nomination of Maj. Gen. Michael C. Gould, to be Lieutenant General.

Air Force nomination of Col. Debra A. Scully, to be Brigadier General.

Air Force nominations beginning with Brigadier General Roger A. Binder and ending with Brigadier General Paul M. Van Sickle, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2009.

Air Force nominations beginning with Colonel William B. Binger and ending with Colonel George F. Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2009.

Army nomination of Brig. Gen. Vincent K. Brooks, to be Major General.

Army nominations beginning with Brig. Gen. James K. Gilman and ending with Brig. Gen. Philip Volpe, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2009.

Army nominations beginning with Col. William B. Gamble and ending with Col. Richard W. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2009.

Marine Corps nominations beginning with Col. Paul W. Brier and ending with Col. Frans J. Coetzee, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2009.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Kathy L. Fullerton, to be Major.

Air Force nominations beginning with Emil B. Kabban and ending with Stephen H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Brian D. Anderson and ending with Margaret M. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Mark T. Allison and ending with Philip T. Wold, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Tina M. Barbermatthew and ending with Regan J. Patrick, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with James J. Baldock IV and ending with Brenda L. Yi, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Lisa L. Adams and ending with Richard J. Zavakil, which nominations were received by

the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Ariel O. Acebal and ending with Steven M. Zubowicz, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nomination of Jonathon V. Lammers, to be Lieutenant Colonel.

Air Force nominations beginning with Gary A. Foskey and ending with Connie L. Warr, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Air Force nominations beginning with Bryson D. Borg and ending with Dexter W. Love, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Air Force nominations beginning with George B. Gosting and ending with Joseph S. Park, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Richard D. Baker and ending with Gregory B. York, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Jeffrey L. Andrus and ending with Rose M. Wojcik, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Federico C. Aquino, Jr. and ending with Junko Yamamoto, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Joselita M. Abeleda and ending with Gabriel Zimmerer, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Thomas J. Bauer and ending with Stacey E. Zaikoski, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Amanda J. Adams and ending with Don L. Zust, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Xavier A. Nguyen and ending with Jennifer A. Tay, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Air Force nominations beginning with John M. Beene II and ending with Elizaebth N. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Air Force nomination of Ryan G. McPherson, to be Major.

Air Force nomination of Mark J. Ivey, to be Colonel.

Air Force nominations beginning with Christopher B. Bennett and ending with David J. Western, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nomination of Peter C. Gould, to be Colonel.

Army nomination of Garrett S. Yee, to be Colonel.

Army nominations beginning with Roy L. Bourne and ending with Stanley W. Sheftall, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Army nomination of Frank Rodriguez, Jr., to be Colonel.

Army nomination of Edward E. Turski, to be Colonel.

Army nomination of Joseph R. Krupa, to be Major.

Army nomination of Kathleen P. Naiman, to be Major.

Army nominations beginning with Juan G. Esteva and ending with Thomas E. Starr, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Robert F. Donnelly and ending with Angelica Reyes, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Richard H. Dahlman and ending with David A. Stills, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Julie S. Akiyama and ending with Andrew L. Hagemaster, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Michael L. Nippert and ending with John K. Goertmiller, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Martin L. Badegian and ending with Mark J. Hodd, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Debra H. Burton and ending with Lee D. Schnell, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Paul P. Bryant and ending with Christopher R. Ward, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Robert J. Abbott and ending with Patrick J. Woolsey, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Vanessa A. Berry and ending with Scott F. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Efren E. Recto and ending with William A. Wolkstein, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Suzanne D. Adkinson and ending with Brandon S. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Thomas M. Carden, Jr. and ending with Anthony Woods, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Army nomination of Laura K. Lester, to be Major.

Army nomination of Brigitte Belanger, to be Major.

Army nomination of Mitzi A. Rivera, to be Major.

Army nomination of Catherine B. Evans, to be Major.

Army nomination of Victor G. Kelly, to be Major.

Army nomination of Ryan T. Choate, to be Major.

Army nominations beginning with Rafael A. Cabrera and ending with Carl J. Tadaki, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Army nominations beginning with Robert A. Borcharding and ending with Michael C. Wong, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Army nomination of Victor J. Torres-Fernandez, to be Major.

Army nominations beginning with Joseph Angerer and ending with Matthew J. Yandura, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Ted R. Bates and ending with Peter M. Menicucci, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with John M. Diaz and ending with Lavore L. Richmond, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Luisa Santiago and ending with Yevgeny S. Vindman, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Randall W. Cowell and ending with Daniel M. Zerby, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Albert J. Adkinson and ending with William E. Wynns, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Marine Corps nominations beginning with David G. Antonik and ending with Steven D. Peterson, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Marine Corps nominations beginning with Kelly P. Alexander and ending with Anthone R. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Marine Corps nominations beginning with Derek M. Abbey and ending with Robert B. Zwyer, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Marine Corps nominations beginning with Harald Aagaard and ending with Mark W. Zipsie, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Navy nomination of Scott D. Shiver, to be Captain.

Navy nominations beginning with Steven A. Khalil and ending with David B. Rosenberg, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Navy nomination of Miguel Gonzalez, to be Captain.

Navy nomination of David M. Dromsky, to be Commander.

Navy nomination of Jed R. Espiritu, to be Lieutenant Commander.

Navy nominations beginning with Charles C. Adkison and ending with Tricia L. Teas, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Navy nominations beginning with Gregory G. Galyo and ending with Oliver C. Minimo, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Navy nominations beginning with Christopher G. Cunningham and ending with Christopher A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Navy nominations beginning with Janet L. Jackson and ending with Todd M. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.

*John Berry, of the District of Columbia, to be Director of the Office of Personnel Management for a term of four years.

By Ms. LANDRIEU for the Committee on Small Business and Entrepreneurship.

*Karen Gordon Mills, of Maine, to be Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 758. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. KYL, and Mr. HATCH):

S. 759. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 760. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the "National World War I Memorial"; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mrs. MCCASKILL):

S. 761. A bill to establish the World War I Centennial Commission to ensure a suitable observance of the centennial of World War I, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 762. A bill to promote fire safe communities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN:

S. 763. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN:

S. 764. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to increase the maximum amount of assistance to individuals and households; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. ROBERTS, Mr. BAYH, Mr. CRAPO, Mr. JOHANNES, and Mr. LUGAR):

S. 765. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of

the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 766. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipeline transportation utility systems in non-wilderness areas within the boundary of Denali National Park and Preserve; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. CASEY):

S. 767. A bill to amend the Public Health Service Act to provide grants or contracts for prescription drug education and outreach for healthcare providers and their patients; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BOND, Mr. INOUE, Mr. KERRY, Mr. LEVIN, Mr. UDALL of Colorado, and Ms. LANDRIEU):

S. 768. A bill to grant the Congressional Gold Medal to the soldiers from the United States who were prisoners of war at Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. WHITEHOUSE, Ms. STABENOW, and Mrs. FEINSTEIN):

S. 769. A bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 770. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 771. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself, Mrs. BOXER, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. SPECTER, Mr. BROWNBACK, Ms. MURKOWSKI, Mrs. McCASKILL, and Mr. SCHUMER):

S. 772. A bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. NELSON of Florida):

S. 773. A bill to ensure the continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself and Mr. VOINOVICH):

S. 774. A bill to enhance the energy security of the United States by diversifying energy sources for onroad transport, increasing

the supply of energy resources, and strengthening energy infrastructure, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. LEAHY, and Mr. BOND):

S. 775. A bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes; to the Committee on Armed Services.

By Mr. CASEY (for himself, Mr. WICKER, and Mr. MARTINEZ):

S. 776. A bill to assist in creating substantive culture change in long-term residential care by establishing a small house nursing home loan program to provide for the establishment, renovation, and construction of small house nursing homes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself, Ms. SNOWE, and Mrs. MURRAY):

S. 777. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. NELSON of Florida):

S. 778. A bill to establish, within the Executive Office of the President, the Office of National Cybersecurity Advisor; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG:

S. 779. A bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself, Mr. CORNYN, Mr. MARTINEZ, and Mr. DODD):

S. 780. A bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER:

S. Res. 97. A resolution designating June 1, 2009, as "Collector Car Appreciation Day" and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. Con. Res. 16. A concurrent resolution expressing the sense of the Senate that the President of the United States should exercise his constitutional authority to pardon posthumously John Arthur "Jack" Johnson for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 262

At the request of Mr. CASEY, the name of the Senator from Arkansas

(Mrs. LINCOLN) was added as a cosponsor of S. 262, a bill to improve and enhance the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes.

S. 307

At the request of Mr. WYDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 400

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 400, a bill to expand the authority and responsibilities of the Oversight Panel of the Troubled Asset Relief Program, and for other purposes.

S. 408

At the request of Mr. INOUE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 427

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. RISCHE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 491

At the request of Mr. WEBB, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of

pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 526

At the request of Mrs. McCASKILL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 526, a bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 615

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 615, a bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

S. 642

At the request of Mr. BAYH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 642, a bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to occupational and environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes.

S. 670

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 670, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 683

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. CON. RES. 14

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 9

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 730

At the request of Mr. REID, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. MARTINEZ) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 730 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 732

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 732 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 735

At the request of Mr. JOHANNES, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of amendment No. 735 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 744

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 744 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 759

At the request of Mr. BENNETT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 759 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 762

At the request of Mr. ISAKSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 762 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 763

At the request of Mr. LIEBERMAN, the names of the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 763 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 763 proposed to S. Con. Res. 13, *supra*.

AMENDMENT NO. 765

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 765 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010,

revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 774

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 774 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 775

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 775 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 776

At the request of Mrs. SHAHEEN, the names of the Senator from Delaware (Mr. KAUFMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of amendment No. 776 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 783

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of amendment No. 783 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 788

At the request of Mr. BARRASSO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 788 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 792

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of

amendment No. 792 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 793

At the request of Mr. KYL, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 793 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 794

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 794 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 795

At the request of Mr. PRYOR, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 795 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 799

At the request of Mr. BENNETT, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 799 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. KYL, and Mr. HATCH):

S. 759. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for

States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleagues Senators BENNETT, UDALL, KYL, and HATCH to introduce the Indian School Bus Route Safety Reauthorization Act of 2009. This bill continues an important Federal program begun in 1998 that addresses a unique problem with the roads in and around the nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I would like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Navajo Nation is by far the Nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three states: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,700 miles of public roads serve the Navajo nation. Only about one-third of these roads are paved. The remaining 6,500 miles, 67 percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,200 miles of the roads on the Navajo reservation are BIA roads, and about 3,300 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA and tribal roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in SAFETEA is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the 3 States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, $\frac{3}{4}$ of McKinley County is either tribal or Federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw

upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, Utah, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four pre-schools.

The situation is similar in neighboring San Juan County, New Mexico, and Apache, Navajo, and Coconino Counties, Arizona. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses do not get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without Federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. In 2005, the program was reauthorized in SAFETEA through 2009. Under this provision, \$1.8 million is made available each year to be shared equally among the three states. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For the last 12 years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I have had an opportunity to see firsthand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of

that program, for fiscal years 2010 through 2015, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the 3 States.

I believe that continuing this program for 6 more years is fully justified because of the vast area of the Navajo reservation by far the nation's largest and the unique nature of this need that only the Federal Government can deal with effectively.

I do not believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. The Senate already passed this legislation last year. I ask all Senators to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I look forward to working with Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VOINOVICH of the Transportation and Infrastructure Subcommittee, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian School Bus Route Safety Reauthorization Act of 2009".

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206; 119 Stat. 1460) is amended by striking "\$1,800,000 for each of fiscal years 2005 through 2009" and inserting "\$2,000,000 for each of fiscal years 2010 through 2015".

Mr. BENNETT of Utah. Mr. President, I am pleased to join my colleagues Senators BINGAMAN, HATCH, UDALL of New Mexico and KYL as we introduce the Indian School Bus Route Safety Reauthorization Act of 2009. This legislation reauthorizes an important program that has served the Navajo Nation and specifically Navajo children since 1998. The funding provided in this program is used exclusively to maintain roads that provide bus routes for Navajo children. Two thirds of the 9,700 miles of the Navajo public roads are unpaved, dirt roads. Many of these roads are traveled everyday by children heading to school on the bus. When the rough rains and snows of winter hit, the deficient roads are frequently impassable. Damage caused by winds and rains can create huge holes and gullies that often make the roads unfit for a school bus even in good weather!

This program was started in 1998 to ensure the local governments, working in partnership with the Navajo, are able to maintain the roads and ensure the school bus routes are usable and in good condition. Before children can learn at school, they have to get to school! Congress answered the urgent call for help by providing direct funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. This program was reauthorized in SAFETEA-LU in 2005 and we urge our colleagues in the Senate to join us in supporting this important project again in 2009.

This bill provides for \$2 million annually to be shared equally among Arizona, New Mexico and Utah. The funding goes directly to the counties that contain the Navajo reservation. These funds can only be used on roads that are located within or that lead to the reservation and that are used by school buses.

I want to take a moment and pay tribute to San Juan County, UT. San Juan County has done a commendable job of working with their Navajo neighbors to ensure a strong working relationship and to truly serve the Navajo members of their community. The Navajo Nation comprises 40 percent of the San Juan County land area and the county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four pre-schools. The funds reauthorized in this bill will allow San Juan County to continue their commitment to ensuring busses can reach the students and thus the students will be safely transported to school.

I am proud to again bring this authorization before the Senate and I look forward to working with my colleagues here and in the House to ensure that this important measure is included in the upcoming transportation authorization. I thank my colleague Mr. BINGAMAN for his strong work on this legislation and look forward to working closely with him as well as Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VOINOVICH of the Transportation and Infrastructure Subcommittee to ensure that this legislation is again included in the comprehensive 6-year transportation reauthorization.

By Mrs. FEINSTEIN:

S. 762. A bill to promote fire safe communities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a series of bills, S. 762, S. 763, and S. 764, designed to better prepare for catastrophic wildfires like the ones that recently devastated Southwestern Australia and

that have plagued much of our country for years.

California has seen unprecedented devastation from wildfires in the last 5 years.

Over 10,000 families have lost their homes.

Over 4 million acres have been burned.

In 2007, wildfires in Southern California caused the evacuation of an estimated 750,000 people—the largest evacuation in California history.

In these fires alone, more than a million acres burned, and more than 2,000 homes were destroyed.

These fires killed nine people, and injured 130. Mostly firefighters.

The financial damage is estimated to be in the billions.

Simply put, this was a disaster of epic proportions.

It was not the first. Southern California suffered similar wildfire losses just 5 years ago.

We must face the fact that catastrophic wildfires are in California's future, and the future of other States.

Experts predict that things are only going to get worse in the years to come.

Global warming, extended droughts, dangerous invasive species outbreaks, and years of poor forest and fuel management have all contributed to the explosive conditions that we now face.

The reality is that California and much of the West is tinder-dry. Fires are larger, and they burn hotter and with more intensity.

In early February we saw the tragic consequences of catastrophic wildfire in Australia. Two hundred are dead, a million acres burned, and whole communities were wiped out in a matter of hours.

Here in the U.S. we face that very same possibility, and we must do everything we can to stop a similar tragedy from devastating our neighborhoods.

The problem is that more and more people are living in areas at high risk of wildfire. There are more than 5 million homes in California alone in this high-threat "wildland-urban interface." Across the rest of the country, there are nearly 40 million more homes located in the wildland urban interface.

So the question comes: What can be done?

There is no doubt that we cannot fully eliminate wildfires.

But I believe that we can take steps now to better protect communities, to improve firefighting capabilities, and to improve relief and recovery aid.

The three bills that I am introducing today will get this process started. They are the Fire Safe Communities Act, which would establish new incentives for communities at risk of wildfires to adopt responsible building codes and mitigation practices.

The Mortgage and Rental Disaster Relief Act, to make sure that qualified individuals, displaced by major disasters, are able to make their mortgage and rental payments.

The Disaster Rebuilding Assistance Act, to increase the amount of federal dollars available to homeowners whose rebuilding costs outstrip their insurance coverage.

The Fire Safe Communities Act will help protect our communities from the catastrophic effects of wildfires.

Most importantly, it does three key things.

It gives incentives to local communities that have adopted responsible fire-mitigation plans by allowing for greater federal reimbursement of firefighting costs during major fires.

It creates a grant program to encourage responsible development practices that meet wildland-urban interface code guidelines.

It allows for the Department of the Interior and the Department of Agriculture to collaboratively work on mitigation projects that will protect homes on State and private lands.

In effect, the Federal Government would become the partner of local governments as they seek to make their communities fire-safe.

As I have said, we can never stop wildfires. But we can take important steps to make these fires less destructive.

This bill starts with the first step, by putting a reliable, unambiguous definition to "Fire Safe" communities.

Current Wildland fire codes, such as those produced by the International Code Council and the National Fire Protection Association, compile a comprehensive set of best practices that can be adopted by communities that are looking to protect themselves from fire damage. If properly implemented, these codes can greatly improve the fire resistance of these communities and their residents.

The fire code guidelines address water supply, construction materials and techniques, defensible space, vegetation management, and infrastructure standards.

The target mitigation measures in fire codes have been proven to be effective. Firefighter groups, insurance companies, and blue ribbon panels have all come to the same conclusions. It is time that we take their advice and start making this important investment.

The bill authorizes a \$25 million per year grant program, administered by the Federal Emergency Management Agency's, FEMA, Office of Grants, and Training.

It will help communities implement these standards, and bring the safest development practices to their neighborhoods.

This grant program will be available to local governments located in the wildland-urban interface, and to high-threat regions that have adopted—or plan to adopt—these responsible firesafe measures.

As further incentive, this bill makes the existing Fire Management Assistance Grants program contingent on the implementation of Firesafe codes, standards and ordinances.

Today under the Fire Management Assistance Grant program, the federal government covers 75 percent of the cost of fighting wildfires.

Under this bill, communities that adopt the firesafe codes would be eligible for Federal reimbursement of up to 90 percent of their firefighting costs.

It is important to note that firesafe building codes, standards and ordinances are not mandatory. The Federal Government should not be in the business of telling local governments how and where to build their buildings.

Instead these are voluntary codes; communities can choose to adopt, or not to adopt, at their discretion.

The bill does not step on the toes of local government. Rather, helps all of us reach a common goal.

I come from local government—I am 9 years a mayor, 9 years a county supervisor—and I recognize that zoning is the province of local government.

But we have a real problem here: We know that development in the wildland-urban interface is accelerating, and it is making fires more costly.

We need to take steps to improve fire safety in these areas.

This bill is an important step toward becoming better prepared.

Now I want to discuss two bills intended to improve recovery aid after disaster strikes.

The Mortgage and Rental Disaster Relief Act will provide much-needed relief to working families hit hard by disasters.

It would authorize FEMA to make mortgage and rental assistance available for qualified individuals in communities designated as disaster areas by the President under the Stafford Act.

It is based on an important point: While catastrophic wildfires and other disasters can destroy homes, they don't relieve people of the financial obligations that come with home ownership or lease agreements.

In most cases, these payments must still be made, even if the residence has been wiped out.

This burden is too much for many working families. They incur additional expenses—such as hotel or lodging costs—that come with being displaced following a major disaster.

FEMA used to provide mortgage and rental assistance. But these types of assistance were eliminated by the Disaster Mitigation Act of 2000.

This bill would re-authorize the program, and make several changes to ensure that assistance is provided only to those most in need.

First, to qualify for assistance applicants must demonstrate that they face significant economic hardships and suffered disaster-related income loss.

The disaster-related income loss must fit into one of the following categories: your employer, or your own business, must be located in the area declared a major disaster by the President; you lose your job because your

employer or business has a significant business relationship with a company located within the Presidentially declared disaster area; or you live in a Presidentially declared disaster area, and have suffered financially due to travel restrictions and road closures post-disaster.

To qualify for this aid, applicants must also provide proof that their employment was discontinued as a result of disaster.

They must also show imminent delinquency, eviction, dispossession, or foreclosure.

Finally, this assistance is available only for up to 18 months, and is subject to income caps.

Only households with adjusted gross incomes of \$100,000 or less, in high-cost states such as California, would be eligible.

Households in lower-cost States could be eligible if their annual adjusted gross incomes do not exceed \$75,000.

In today's market conditions, the federal government needs to make sure that we do everything we can to help families stay in their homes.

The Mortgage and Rental Assistance Act will prevent foreclosures in disaster areas by helping families make their payments on time. Given the state of the housing market, this bill is of the utmost importance and I urge my colleagues to support this legislation.

The Disaster Rebuilding Assistance Act would increase the amount of money FEMA can provide—for rebuilding and temporary housing—in high-cost states such as California.

It is designed to help disaster victims whose rebuilding costs exceed their insurance coverage. Or for low income earners who have no insurance.

Sadly, many Californians hit by wildfires or other disasters learn too late that their insurance coverage is insufficient.

This is a real problem in California. In fact, California Insurance Commissioner Steve Poizner estimates that as many as 25 percent of the victims of the 2007 wildfires were underinsured.

Let me be clear: this bill will not cover the full costs of rebuilding.

But it will help close the gap, for qualified households in areas declared by the President to be disaster areas.

Today, FEMA can provide up to roughly \$28,000 to individuals and households whose rebuilding costs exceed their insurance coverage. This assistance can be used for rebuilding costs, as well as temporary housing.

The Disaster Rebuilding Assistance Act would increase this amount to \$50,000 for individuals who earn less than \$100,000 per year. By increasing the amount of assistance, and targeting the program toward lower-income homeowners, the FEMA Disaster Assistance program will more efficiently help homeowners recover from disasters.

The legislation also gives the President the discretion to increase this

cap, if necessary, to cover rebuilding expenses in high-cost states.

I believe this bill will provide an important step toward giving Americans the chance they need to rebuild their lives after suffering through a major disaster.

Catastrophic wildfires are not going away. In fact, the evidence strongly suggests they will occur with greater frequency and ferocity.

But we can take important steps—now—to make our communities safer.

To strengthen our firefighting capabilities.

To ensure that more relief and recovery aid is provided to victims, so they can get back on their feet as soon as possible.

These bills are not a panacea. But they are an important first step. I urge my colleagues to vote for them.

By Ms. MURKOWSKI:

S. 766. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipeline transportation utility systems in non-wilderness areas within the boundary of Denali National Park and Preserve; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that will authorize a right-of-way for Construction of an in-state natural gas pipeline to run along the State's main highway from Fairbanks to Anchorage. This bill would provide a right-of-way for a natural gas pipeline near the shoulder of the Parks Highway for the roughly 7 miles that the highway runs through Denali National Park.

I wish to explain I am introducing the bill now, and why, rather than being an infringement on Alaska's most visited Interior national park, the measure is actually the favored route by many in the environmental community to bring natural gas from the foothills of Alaska's North Slope to Southcentral Alaska.

While many in this body have heard about plans for a large-volume natural gas pipeline to run from the Prudhoe Bay oil fields to the Lower 48—the project for which many in this body voted to approve a loan guarantee, tax credits and permitting improvements in 2004—there is concern that the big pipeline will not be finished in time to get gas to Southcentral Alaska. That is gas that is vital for electric generation in Anchorage, the Mat-Su Borough and Kenai Peninsula. Currently electricity in Alaska's southern Railbelt, as it is called, is often generated by burning natural gas that has been produced since the 1960s from the gas fields in Cook Inlet, south of Anchorage. But production from Cook Inlet, while the province theoretically holds far more gas, has been falling for years. A major fertilizer plant near Kenai, for example, had to close in 2007 because there was not enough natural gas being produced to allow it to obtain the raw product it needed for urea production.

While there are contract issues involving problems with getting sufficient gas quantities for Railbelt utilities starting as early as next year, there are serious concerns about the ability of the region to produce sufficient gas for electric generation and home heating for Alaska's most populated area as early as 2014.

To provide a new, reliable natural gas supply, one proposal, the so-called "bullet" gas pipeline, is to construct a small diameter natural gas line, 24 inches in size, to run from Alaska's North slope region, pass Fairbanks along the Parks Highway, and terminate near Wasilla, Alaska. This pipeline would tie into existing transmission systems and would bring about 500 million cubic feet of gas a day to Southcentral Alaska. This project would be completed well in advance of when a larger-diameter pipeline might be in service to deliver 4 to 4.5 billion cubic feet a day to Lower 48 markets. Given the pace of planning for construction of the main line, it is unlikely that a larger Alaska natural gas pipeline will be able to deliver gas now until 2018 or 2019, perhaps four or more years too late to aid Southcentral Alaska's growing need for natural gas. Further, any delays in solidifying a new gas supply could permanently end chances to reopen the Agrium fertilizer plant and to continue operations of the Kenai LNG export terminal, both key components of local Kenai Peninsula industry.

There are two potentially competing proposals for a small diameter, in-state gas pipeline. I have just described the "bullet" line proposal. The second proposal it to run a similarly sized pipeline along the Richardson and Glenn Highways to the east, also tying into existing transmission systems near Palmer, Alaska. There are advantages to both routes, the Parks route delivering gas to communities along the Parks Highway and providing clean natural gas to Denali National Park, while the Richardson/Glenn project would help provide economic activity to differing towns, such as Delta and Glennallen to the east.

It is not my desire to prejudge the outcome of which project or route should be selected, since that decision will be made by Alaska state regulators and financial markets. It is my desire, however, to introduce legislation that would clear the lone legal impediment to planning for the Parks route, that being how to get the gas economically through the mountainous central region of the State past Denali National Park and Preserve.

According to a recent analysis of routing options through this area, there are two feasible routes for a pipeline through or around the roughly 10-mile bottleneck of the Nenana River Canyon and Denali National Park and Preserve. The shortest and most logical route follows the existing highway through this entire area, 7 miles of which passes through Denali National

Park. This route causes the least environmental and visual impact due to its location in an existing corridor, and provides a route that is easily accessible for routine pipeline maintenance. The other feasible pipeline route diverts from the highway to stay outside of the national park boundaries, but in so doing skirts across a steep hillside that dominates a park visitor's view to the east. Furthermore, the route that avoids the park will create a new disturbed corridor in a remote location, and will cause pipeline operations and reliability challenges due to the remoteness and the ruggedness of the route. The route that avoids the park is estimated to cost twice as much as the route along the highway and through the park.

Besides being less expensive to construct and operate, the pipeline along the existing, previously disturbed Parks Highway right-of-way, also permits electric generation for the park facilities at Denali to come from natural gas. And for the first time reasonably priced compressed natural gas, CNG, would be available to power park vehicles—another environmental benefit of the Parks Highway route. Currently National Park Service permitted diesel tour buses travel 1 million road miles annually. Converting the buses to operate on CNG would significantly reduce air emissions in the park. A third benefit is that for the pipe to cross the Nenana River, not far from the park's entrance, will require a new bridge to be built that could carry not just the pipe, but provide a new pedestrian access/bicycle path for visitors that today need to walk along the heavily traveled highway rather than on a separated, pedestrian path toward visitors attractions and hotels located just outside of the park's entrance. In all probability the installation work will be conducted in the shoulder seasons to make sure there are no visitor dislocations for tourists visiting the park.

For those reasons and others, a group of eight environmental groups: The National Parks and Conservation Association, the Alaska Conservation Alliance, the Denali Citizens Council, The Wilderness Society, Cook Inlet Keeper, the Alaska Center for the Environment, the Wrangell Mountain Center and the Alaska Wildlife Alliance have formally endorsed the granting of a gas line right-of-way through Denali Park, along the existing highway right of way.

The granting of a permanent 20-foot easement, and probably a 100-foot construction easement, is not precedent setting. The National Park Service already has granted a permit for an installed fiber-optic cable along the same basic alignment for an Alaska communications company. Obviously the exact right-of-way will have to be delineated to avoid the existing cable and to accommodate park goals, such as routing around a vernal pond viewing area located along the general right-of-way.

I am proposing this bill simply to authorize the right-of-way for a Parks Highway route soon so that the decision on which route is best for the state and its citizens—if the “bullet” line option is chosen—can be made based on greater certainty in the cost estimates for a Parks Highway project. Removing the uncertainty of permitting and regulatory delays will at least permit the Parks Highway route to be on a level playing field with the Richardson and Glenn Highway route when a routing decision is made. Then the decision on which project makes the most sense for all Alaskans can be made without fear that right-of-way acquisition delays could inflate project costs.

If the Parks route is chosen and the project proceeds, then the national park will benefit from the environmental benefits of natural gas and compressed natural gas being available for park activities, cutting air quality concerns, and improving pedestrian access. I truly believe there are no environmental issues with this legislation. I think anyone who has ever traveled on the Parks Highway in Alaska near the park would agree, and I hope it can be considered by Congress relatively soon.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

30 JANUARY 2009.

Re Denali National Park & Preserve Title XI process.

M. COLLEEN STARRING,
President, ENSTAR Natural Gas Company, Anchorage AK.

DEAR MS. STARRING, thank you and your staff for reaching out to the Alaska conservation community early on in your process to obtain permits to build a bullet gas pipeline from either the Poothills or Prudhoe Bay into the existing Southcentral gas pipeline system. In your presentation to us, your identified immediate concern was location of the right-of-way either through or around the Nenana Canyon and Denali National Park & Preserve. We appreciate the two briefings you have provided to the community on the options at Denali.

Based on the information you have provided to us at these two briefings, the apparent logical environmentally preferable choice for the gas pipeline through Denali National Park & Preserve is the six miles along the Parks Highway. This would seem to make the most sense from both an engineering and an environmental perspective as going around the park would necessitate construction in currently undeveloped lands. While the signers of this letter agree that bringing the gas pipeline along the Parks Highway through Denali seems to be the environmentally preferable alternative, we reserve final judgment until completion of the environmental review.

As mitigation for the pipeline through the park, we were pleased to hear you discuss the opportunity for a pathway constructed atop the pipeline ROW and a new pedestrian bridge across the Nenana River at McKinley Village. We feel this expansion of the existing front-country trail system would be a benefit to park visitors and would link the

many visitors at McKinley village into the park entrance area by trail. We strongly encourage continuation of this part of the plan. In addition, we encourage you to work with the Park Service to see if they would benefit from a lateral line into the park to support both the energy needs of the park headquarters complex and also possible use of natural gas for park buses.

Assuming the preferred gas pipeline right-of-way is along the Parks Highway, there will need to be a Title XI review for the six miles through Denali, which we anticipate will be included in your environmental review. Currently the National Park Service is not authorized to issue a right-of-way permit for gas pipelines anywhere in the country, which means final approval of the Title XI permit would need to go to the President and then to Congress. While our preference would be to complete the environmental review and, assuming the Parks Highway route is the best, follow the existing Title XI process, we understand that Enstar is developing legislation to give the National Park Service authority to issue a right-of-way permit for the six miles within Denali IF the environmental review shows it to be the environmentally preferable route.

This would not negate the need for a Title XI review, but it would allow the Park Service to make the decision without any additional review by the administration or Congress. We need to withhold any position on this proposed legislation until we see specific language. In keeping with your pattern of outreach early in the process, we would very much like to be a part of crafting this legislation to ensure that it is specific to this project only and it only provides authority to the Park Service to issue the right-of-way should the environmental review show it is the environmentally preferable alternative.

Furthermore, this letter should not be construed as anything more than an understanding of how to get through the six miles inside the boundaries of Denali National Park & Preserve. There are many unanswered questions about the routing and construction of the pipeline beyond these six miles that remain of interest and concern to many conservation groups in Alaska. We strongly urge you to expand your right-of-way and source of gas discussions with many of these same groups to cover the entire project.

Signed:

JIM STRATTON,
Alaska Regional Director, National Parks Conservation Association.

KATE TROLL,
Executive Director, Alaska Conservation Alliance.

NANCY BALE,
President, Denali Citizens Council.

ELEANOR HUFFINES,
Alaska Regional Director The Wilderness Society.

TOBY SMITH,
Executive Director, Alaska Center for the Environment.

JEREMY PATAKY,
Executive Director, Wrangell Mountains Center.

BOB SHAVELSON,
Executive Director Cook Inlet Keeper.

JOHN TOPPENBERG,
Director, Alaska Wildlife Alliance.

By Mr. UDALL, of New Mexico (for himself, Mr. BINGAMAN, Mr. BOND, Mr. INOUE, Mr. KERRY, Mr. LEVIN, Mr. UDALL of Colorado and Ms. LANDRIEU):

S. 768. A bill to grant the Congressional Gold Medal to the soldiers from the United States who were prisoners of war at Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce legislation to award the Congressional Gold Medal to some of the bravest soldiers ever to wear this country's uniform—the prisoners of war from the Bataan Death March.

For the thousands of soldiers who were surrendered to enemy forces on April 9, 1942, the years that have passed since have been filled with memories of what occurred that day and in the hundreds of days that followed: starvation, torture, forced work, captivity and death.

But in the 66 years since, the events at Bataan have conjured other ideas for the rest of us: bravery, sacrifice, and an unbreakable demonstration of courage.

“The Battling Bastards of Bataan,” they were christened by Frank Hewlett, one of the last journalists to report on the troops before they were surrendered. For 4 months they fought, battling daily against the enemy, against illness, and against time. And when there was no fight left, when the time for surrender was upon them, they were alone. Neither planes in the skies nor boats in the sea appeared, ready to give the boost of firepower that would turn the tides. Instead, the men at Bataan laid down their weapons and walked into a hell that would last over 3 years.

Many survivors never recovered from their experience. Half died within a few years of returning home. Others lived on in physical and mental pain for the rest of their lives—a daily reminder of the experience they had endured.

But the story of Bataan is not just about surrender or the suffering that followed. By holding off enemy fighters longer than expected, the Bataan forces gave the Allies time to regroup after Pearl Harbor. Their sacrifice allowed Allied commanders to take the fight to the enemy. And they made a future victory possible.

The soldiers of Bataan also gave America something we needed as much as guns or tanks. They gave us an example. Their story inspired American soldiers to fight and committed American commanders to retaking the Pacific. Just as an earlier generation of Americans had remembered the Alamo, our soldiers in World War II remembered Bataan. We should remember it today as a place where America's fighting spirit showed itself to the world.

For those of us from New Mexico, the events at Bataan strike home particularly hard. Eighteen hundred men from New Mexico's 200th and 515th regi-

ments left their homes to fight; half returned. These soldiers earned the honor of being the “first to fire” on the enemy on December 8, 1941—the day after Pearl Harbor. They and their families have spread the story of Bataan to their New Mexico neighbors. We feel the suffering they saw. And we take pride in their heroism.

For six decades, the Western world has enjoyed the freedom that the Bataan veterans helped to win. For six decades, our world has been more peaceful because of the sacrifices they made. And for six decades, those men have not received the honor that is their due.

This failure of memory hits particularly hard because so many of the men who suffered at Bataan were Hispanic. They fought and died in the uniform of a nation that treated them as second class citizens. While in uniform, many faced discrimination if they had Hispanic surnames or were caught speaking Spanish. This legislation will honor American heroes, including those who were asked to sacrifice and then forgotten when the fighting was over.

We must always remember the sacrifice of our soldiers, particularly during times of war. The men and women who risk their lives today must know that America never forgets those who sacrifice in her name. By recognizing the heroes of Bataan, we show our commitment to the heroes of Kabul and Baghdad—and to the heroes of the future.

I thank Senator BOND for joining me as the lead cosponsor of this legislation. His home State of Missouri had hundreds of soldiers at Bataan, including one, John Playter, who passed away recently this year but never stopped telling his story. I also want to thank Senators BINGAMAN, INOUE, LANDRIEU, LEVIN, KERRY, and UDALL for being original cosponsors. I also thank the VFW and AMVETS for their support of this legislation.

I hope you will join them—and so many others—in supporting this legislation.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 770. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, tobacco is responsible for 1 in 5 deaths in the U.S.—that is 438,000 deaths every year. Sadly, another 50,000 Americans die each year from exposure to second hand smoke. Just this year, scientists discovered another danger in “third hand smoke” which describes the chemicals that cling to smokers' hair and clothing, and linger in cushions and carpeting long after smoke has cleared a room. This residue includes heavy metals, carcinogens and even ra-

dioactive materials that young children can get on their hands and ingest, especially if they are crawling or playing on the floor.

Despite the known dangers of tobacco use, more than 45 million adults in the U.S. smoke cigarettes. Approximately 90 percent of those adults started smoking before the age of 14. Every day over 3,500 kids under age 18 try smoking for the first time, and of these, 1,100 will become regular, daily smokers. Between $\frac{1}{3}$ and $\frac{1}{2}$ will eventually die as a result of their addiction.

The likelihood of being a smoker varies depending on your ethnicity, socioeconomic status, and even where you live. African-Americans are twice as likely as the general population to smoke, and communities in the South are more likely to be smoker-friendly than other communities in the country. While 22.5 percent of the general adult population in the U.S. currently smokes, the percentage is about 50 percent higher among Medicaid recipients. Thirty-six percent of adults covered by Medicaid smoke.

The costs to our Nation of tobacco use are staggering. Total health costs attributable to tobacco approach \$100 billion annually, and comprise an estimated 14 percent of all Medicaid costs. Our Federal Government pays \$17.6 billion through Medicaid and \$27.4 billion through Medicare for smoking related illnesses. Tobacco use is a leading cause of pregnancy complications, premature birth, and low birth weight.

Despite the fact that nicotine is a highly addictive drug, research has confirmed that smoking cessation strategies that include evidence based counseling and FDA-approved pharmacotherapies are effective. More than 4 in 5 smokers say they want to quit, and each year about 1.3 million smokers do quit. Overcoming an addiction to tobacco is arguably one of the single most important lifestyle changes that a person can make to improve and extend his or her health and life.

Studies have shown that reducing adult smoking through tobacco cessation treatment pays immediate dividends, both in terms of health improvements and cost savings. Shortly after quitting smoking, blood circulation improves, carbon monoxide levels in the blood decrease, the risk of heart attack decreases, lung function and breathing are improved, and coughing decreases. Pregnant women who quit smoking before their second trimester decrease the chances that they will give birth to a low-birth-weight baby. Over the long term, quitting will reduce a person's risk of heart disease and stroke, improve symptoms of COPD, reduce the risk of developing smoking-caused cancer, and extend life expectancy. Breaking an addiction to nicotine is a very difficult process, and that is why we should make a variety of treatment options available to tobacco users.

I am proud to be joined by my colleagues Senator KENNEDY in introducing the Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2009. This legislation would make it easier for people to access tobacco cessation treatment therapies in three meaningful ways.

First, this bill adds a smoking cessation counseling benefit and coverage of FDA-approved tobacco cessation drugs to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay \$800 billion to treat tobacco-related diseases over the next 20 years.

Second, this bill provides coverage for counseling, prescription and non-prescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Despite the fact that the states have received payments from their successful federal lawsuit against the tobacco industry, less than half the states provide coverage for smoking cessation in their Medicaid program. Even if Medicaid covered cessation products and services exclusively to pregnant women, we would see significant cost savings and health improvements. Children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. Over seven years, reducing smoking prevalence by just one percentage point among pregnant women would prevent 57,200 low birth weight births and save \$572 million in direct medical costs.

Finally, this bill ensures that the Maternal and Child Health Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services.

As Congress examines more closely the impact of tobacco on our country—considering regulation by the FDA or raising taxes to pay for public health priorities—we must make sure we assist those fighting this deadly addiction. I hope my colleagues will join me in cosponsoring this legislation and taking a stand for the public health of our Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare, Medicaid, and MCH Tobacco Cessation Promotion Act of 2009”.

SEC. 2. MEDICARE COVERAGE OF COUNSELING FOR CESSATION OF TOBACCO USE.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as

amended by section 152(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended—

(1) in subparagraph (DD), by striking “and” at the end;

(2) in subparagraph (EE), by inserting “and” at the end; and

(3) by adding at the end the following new subparagraph:

“(FF) counseling for cessation of tobacco use (as defined in subsection (hhh))”.

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as so amended, is amended by adding at the end the following new subsection:

“(hhh) COUNSELING FOR CESSATION OF TOBACCO USE.—(1)(A) Subject to subparagraph (B), the term ‘counseling for cessation of tobacco use’ means diagnostic, therapy, and counseling services for cessation of tobacco use for individuals who use tobacco products or who are being treated for tobacco use which are furnished—

“(i) by or under the supervision of a physician;

“(ii) by a practitioner described in clause (i), (iii), (iv), (v) or (vi) of section 1842(b)(18)(C); or

“(iii) by a licensed tobacco cessation counselor (as defined in paragraph (2)).

“(B) Such term is limited to—

“(i) services recommended in ‘Treating Tobacco Use and Dependence: A Clinical Practice Guideline’, published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

“(ii) such other services that the Secretary recognizes to be effective.

“(2) In this subsection, the term ‘licensed tobacco cessation counselor’ means a tobacco cessation counselor who—

“(A) is licensed as such by the State (or in a State which does not license tobacco cessation counselors as such, is legally authorized to perform the services of a tobacco cessation counselor in the jurisdiction in which the counselor performs such services); and

“(B) meets uniform minimum standards relating to basic knowledge, qualification training, continuing education, and documentation that are established by the Secretary for purposes of this subsection.”.

(c) PAYMENT AND ELIMINATION OF COST-SHARING FOR COUNSELING FOR CESSATION OF TOBACCO USE.—

(1) PAYMENT AND ELIMINATION OF COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking “and” before “(W)”;

(B) by inserting before the semicolon at the end the following: “, and (X) with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh)), the amount paid shall be 100 percent of the lesser of the actual charge for the service or the amount determined by a fee schedule established by the Secretary for purposes of this subparagraph”.

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking “and diagnostic mammography” and inserting “, diagnostic mammography, or counseling for cessation of tobacco use (as defined in section 1861(hhh))”.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking “and” after the semicolon at the end;

(ii) in subparagraph (G)(ii), by striking the comma at the end and inserting “; and”; and

(iii) by inserting after subparagraph (G)(ii) the following new subparagraph:

“(H) with respect to counseling for cessation of tobacco use (as defined in section

1861(hhh)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(X)).”.

(3) ELIMINATION OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking “and” before “(9)”;

(B) by inserting before the period the following: “, and (10) such deductible shall not apply with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh))”.

(d) APPLICATION OF LIMITS ON BILLING.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

“(vii) A licensed tobacco cessation counselor (as defined in section 1861(hhh)(2)).”.

(e) INCLUSION AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the Social Security Act (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

“(O) Counseling for cessation of tobacco use (as defined in subsection (hhh)).”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 3. MEDICARE COVERAGE OF TOBACCO CESSATION PHARMACOTHERAPY.

(a) INCLUSION OF TOBACCO CESSATION AGENTS AS COVERED DRUGS.—Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395w-102(e)(1)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting “; or”; and

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) any agent approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation that may be dispensed without a prescription (commonly referred to as an ‘over-the-counter’ drug), but only if such an agent is prescribed by a physician (or other person authorized to prescribe under State law).”.

(b) ESTABLISHMENT OF CATEGORIES AND CLASSES CONSISTING OF TOBACCO CESSATION AGENTS.—Section 1860D-4(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w-104(b)(3)(C)) is amended by adding at the end the following new clause:

“(iv) CATEGORIES AND CLASSES OF TOBACCO CESSATION AGENTS.—There shall be a therapeutic category or class of covered part D drugs consisting of agents approved by the Food and Drug Administration for cessation of tobacco use. Such category or class shall include tobacco cessation agents described in subparagraphs (A) and (C) of section 1860D-2(e)(1).”.

(c) CONFORMING AMENDMENT.—Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)), as amended by section 175 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “, other than subparagraph (E) of such section (relating to smoking cessation agents).”.

SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (27), by striking “and” after the semicolon at the end;

(B) in paragraph (28), by striking the comma at the end and inserting “; and”; and

(C) by inserting after paragraph (28) the following new paragraph:

“(29) at the option of the State, counseling for cessation of tobacco use (as defined in section 1861(hhh)).”.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting “or (29)” after “(24)”.

(b) ELIMINATION OF OPTIONAL EXCLUSION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: “, other than agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation”.

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(1) in subparagraph (D), by striking “or” after the comma at the end;

(2) in subparagraph (E), by striking “; and” and inserting “, or”; and

(3) by adding at the end the following new subparagraph:

“(F)(i) counseling for cessation of tobacco use described in section 1905(a)(29); or

“(ii) covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation; and”.

(d) INCREASED FMAP FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking “and” before “(4)”;

(2) by inserting before the period the following: “, and (5) for purposes of this title, the Federal medical assistance percentage shall be 80 percent with respect to amounts expended as medical assistance for counseling for cessation of tobacco use described in subsection (a)(29) and for covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(d) For purposes of this title, quality maternal and child health services include the following:

“(1) Counseling for cessation of tobacco use (as defined in section 1861(hhh)).

“(2) The encouragement of the prescribing and use of agents approved by the Food and Drug Administration for purposes of tobacco cessation.

“(3) The inclusion of messages that discourage tobacco use in health promotion counseling.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

the date that is 1 year after the date of enactment of this Act.

By Mr. DORGAN (for himself and Mr. VOINOVICH):

S. 774. A bill to enhance the energy security of the United States by diversifying energy sources for onroad transport, increasing the supply of energy resources, and strengthening energy infrastructure, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Energy Security Act of 2009” or the “NESA of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definition of Secretary.

DIVISION A—TRANSMISSION AND TRANSPORTATION

TITLE I—ELECTRICITY TRANSMISSION

Sec. 101. Siting of interstate electric transmission facilities.

Sec. 102. Recovery of costs for smart grid technology and advanced materials.

TITLE II—TRANSPORTATION SECTOR

Subtitle A—Electrification of Transportation Sector

Sec. 201. Minimum Federal fleet requirement.

Sec. 202. Use of HOV facilities by light-duty plug-in electric drive vehicles.

Sec. 203. Recharging infrastructure.

Sec. 204. Loan guarantees for advanced battery purchases.

Sec. 205. Study of end-of-useful life options for motor vehicle batteries.

Subtitle B—Medium- and Heavy-Duty Vehicles

Sec. 211. Maximum weight study.

Sec. 212. Fuel economy.

Subtitle C—Alternative Transportation Technologies

Sec. 221. Flexible fuel automobiles.

Sec. 222. Transportation roadmap study.

DIVISION B—DOMESTIC PRODUCTION AND WORKFORCE DEVELOPMENT

TITLE I—INCREASING SUPPLY

Subtitle A—Increasing Production From Domestic Resources

Sec. 300. Amendment of 1986 Code.

PART I—INVESTMENT IN RENEWABLE ENERGY

Sec. 301. Extension of renewable electricity production credit.

Sec. 302. Expansion and extension of new clean renewable energy bonds.

Sec. 303. Extension of investment tax credit for certain energy property.

Sec. 304. Increase in credit for investment in advanced energy facilities.

PART II—INVESTMENT IN ALTERNATIVE FUEL PROPERTY

Sec. 311. Extension of credits for alcohol fuels.

Sec. 312. Extension of credits for biodiesel and renewable diesel.

PART III—INVESTMENT IN ELECTRIC DRIVE AND ADVANCED VEHICLES

Sec. 321. Extension of credit and extension of temporary increase in credit for alternative fuel vehicle refueling property.

Sec. 322. Extension and expansion of credit for new qualified plug-in electric drive motor vehicles.

Sec. 323. Extension of credit for certain plug-in electric vehicles.

Sec. 324. Extension of credit for medium and heavy duty hybrid vehicles.

Sec. 325. Credit for heavy duty natural gas vehicles.

PART IV—LOW CARBON LOAN GUARANTEE PROGRAM

Sec. 331. Innovative low-carbon loan guarantee programs.

PART V—INVESTMENT IN ETHANOL

Sec. 341. Research and development of fungible biofuels.

PART VI—STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES

Sec. 351. Studies on market penetration of renewable resources.

Subtitle B—Increasing Production From Fossil Resources

PART I—OUTER CONTINENTAL SHELF

Sec. 361. Inventory of Outer Continental Shelf oil and gas resources.

Sec. 362. Leasing of offshore areas estimated to contain commercially recoverable oil or gas resources.

Sec. 363. Environmental stewardship and allowable activities.

Sec. 364. Moratorium of oil and gas leasing in certain areas of the Gulf of Mexico.

Sec. 365. Treatment of revenues.

PART II—OTHER FOSSIL RESOURCES

Sec. 371. Authorization of activities and exports involving hydrocarbon resources.

Sec. 372. Travel in connection with authorized hydrocarbon exploration and extraction activities.

Sec. 373. Alaska OCS joint lease and permitting processing office.

Sec. 374. Alaska Natural Gas Pipeline.

TITLE II—CLEAN ENERGY TECHNOLOGY WORKFORCE DEVELOPMENT

Sec. 401. Clean energy technology workforce.

DIVISION C—GLOBAL RISK MANAGEMENT

Sec. 501. Sense of Congress on geopolitical consequences of oil dependence.

Sec. 502. Study of foreign fuel subsidies.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) high and volatile international oil prices represent an unsustainable threat to the economic and national security of the United States; and

(B) approximately 40 percent of the primary energy demand of the United States is met by petroleum, the price for which is set in a fungible and opaque international market vulnerable to geopolitical instability and increasingly complex barriers to investment;

(2)(A) it should be the goal of the United States to reduce the oil intensity (the number of barrels of oil required to generate \$1 of gross domestic product) of the national economy from 2008 levels by at least 50 percent by calendar year 2030 and by at least 80 percent by calendar year 2050; and

(B) reduced oil intensity is a primary means for improving the resilience of the economy to high and volatile international oil prices;

(3) the transportation sector of the United States is critical to breaking the oil dependence of the United States because the transportation sector—

(A) accounts for nearly 70 percent of total national oil consumption;

(B) is 97-percent reliant on petroleum for the delivered energy needs of the sector; and
(C) remains an industry of vital national significance and importance;

(4)(A) electrification of short-haul transportation represents a likely pathway to reduced oil dependence;

(B) electrified ground transport—

(i) promotes fuel diversity because the electric power sector uses a diverse range of feedstocks; and

(ii) relies on a portfolio of fuels that are largely domestic and have prices that are generally less volatile than oil; and

(C) electricity prices are generally stable relative to oil because the price of fuel in the electric power sector is a small portion of the cost of delivered energy;

(5)(A) electrification of transportation will require a more modern, technologically advanced national electric power system that draws on a variety of location-constrained generation sources sited in a range of geographic areas; and

(B) a national transmission system that efficiently delivers power across long distances to load centers should be a high priority;

(6)(A) widespread deployment of electric vehicles and supporting infrastructure is a long-term process that will require a national commitment over many years;

(B) in the interim, steps can be taken to minimize the danger that oil dependence poses to the economic and national security of the United States; and

(C) it is critical to—

(i) support the continued growth of the domestic biofuels industry;

(ii) foster domestic production of conventional fuels for which infrastructure and technology exist; and

(iii) support deployment of additional renewable, cleaner fossil, and nuclear generating capacity for providing the necessary low emissions, reliable, and dispatchable power that is essential for the electricity supply of the United States;

(7)(A) a robust, dynamic, and diverse biofuels industry is an important component of a secure United States liquid fuels system; and

(B) a stable market for biofuels, including widespread deployment of flexible fuel vehicles, can reduce oil consumption as the United States transitions to electrified ground transport;

(8)(A) domestic production of oil and natural gas from the Outer Continental Shelf of the United States is a safe and secure means for increasing energy security in the near-term;

(B) high oil import levels in the United States present an added threat to the economy in addition to general price volatility; and

(C) in 2008, the United States net deficit in petroleum trade amounted to more than \$380,000,000,000, or nearly 60 percent of the total trade deficit;

(9) a highly skilled, well trained, and adaptable workforce is vital to the economic and energy security of the United States; and

(10)(A) addressing the twin challenges of energy security and global climate change now and in the future will require the United States to use all instruments of national power, including the military and diplomatic and intelligence services;

(B) the United States must develop short-term policies and strategies that—

(i) protect key energy infrastructure;

(ii) secure critical geographic transit areas;

(iii) mitigate political instability from energy suppliers; and

(iv) strengthen the domestic industrial base required for the development and widespread implementation of clean energy technologies; and

(C) over the long-term, the United States must focus national security organizations on gaining greater clarity on world reserves of energy and strengthening relationships with certain key nations.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Energy.

DIVISION A—TRANSMISSION AND TRANSPORTATION

TITLE I—ELECTRICITY TRANSMISSION

SEC. 101. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) by striking subsections (a) through (g) and inserting the following:

“(a) DEFINITIONS.—In this section:

“(1) **BENEFICIARY.**—The term ‘beneficiary’ means a wholesale or retail customer, market participant, or other entity that benefits from a transmission upgrade, enhancement, or expansion under a regional transmission plan, including an economic benefit, improvement in service reliability, or reduction in greenhouse gas emissions.

“(2) **CLEAN ENERGY SUPERHIGHWAY.**—The term ‘Clean Energy Superhighway’ means the interstate extra-high voltage transmission grid overlay established under this section.

“(3) **CLEAN ENERGY SUPERHIGHWAY FACILITY.**—The term ‘Clean Energy Superhighway facility’ means an overhead or underground transmission facility of the Clean Energy Superhighway included in a plan certified under subsection (b)(9) (including conductors, cables, towers, manhole duct systems, phase shifting transformers, reactors, capacitors, and any ancillary facilities and equipment necessary for the proper operation of the facility) that—

“(A) operates at or above a voltage of 345 kilovolt alternating current;

“(B) operates at or above a voltage of 400 kilovolts direct current;

“(C) is a renewable feeder line that transmits electricity directly or indirectly to the Clean Energy Superhighway; or

“(D) is a necessary upgrade to an existing transmission facility.

“(4) **GRID-ENABLED VEHICLE.**—The term ‘grid-enabled vehicle’ means an electric drive vehicle, electric hybrid vehicle, or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or localized energy storage system to charge or discharge an on-board energy storage device, such as a battery.

“(5) **INTERCONNECTION.**—The term ‘Interconnection’ has the meaning given the term in section 215(a).

“(6) **LOAD-SERVING ENTITY.**—The term ‘load-serving entity’ means any person, Federal, State, or local agency or instrumentality, public utility, or electric cooperative (including an entity described in section 201(f)) that delivers electric energy to end-use customers.

“(7) **LOCATION-CONSTRAINED RESOURCE.**—

“(A) **IN GENERAL.**—The term ‘location-constrained resource’ means a low-carbon resource used to produce electricity that is geographically constrained such that the resource cannot be relocated to an existing transmission line.

“(B) **INCLUSIONS.**—The term ‘location-constrained resource’ includes the following types of resources described in subparagraph (A):

“(i) Renewable energy.

“(ii) A fossil fuel electricity plant equipped with carbon capture technology that is lo-

cated at a site that is appropriate for carbon storage or beneficial reuse.

“(8) **RENEWABLE ENERGY.**—The term ‘renewable energy’ means electric energy generated from—

“(A) solar energy, wind, landfill gas, renewable biogas, or geothermal energy;

“(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing non-hydroelectric project if—

“(i) the hydroelectric project installed on the nonhydroelectric dam—

“(I) is licensed by the Commission; and

“(II) meets all other applicable environmental, licensing, and regulatory requirements, including applicable fish passage requirements;

“(ii) the nonhydroelectric dam—

“(I) was placed in service before the date of enactment of the National Energy Security Act of 2009;

“(II) was operated for flood control, navigation, or water supply purposes; and

“(III) did not produce hydroelectric power as of the date of enactment of the National Energy Security Act of 2009; and

“(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving the environmental quality of the affected waterway, as certified by the Commission;

“(C) hydrokinetic energy, including—

“(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

“(ii) free flowing water in rivers, lakes, and streams;

“(iii) free flowing water in man-made channels, including projects that use non-mechanical structures to accelerate the flow of water for electric power production purposes; or

“(iv) differentials in ocean temperature through ocean thermal energy conversion; or

“(D) electricity that is generated from the combustion of the biogenic portion of municipal solid waste materials from facilities that comply with the maximum pollutant emissions standards established by the Administrator of the Environmental Protection Agency.

“(9) **RENEWABLE FEEDER LINE.**—

“(A) **IN GENERAL.**—The term ‘renewable feeder line’ means an electricity transmission line that—

“(i) operates at or above 100 kilovolts alternating current;

“(ii) connects 1 or more renewable energy generators directly or indirectly to the Clean Energy Superhighway; and

“(iii) is identified in the Clean Energy Superhighway plan certified under subsection (b)(9).

“(B) **INCLUSION.**—The term ‘renewable feeder line’ includes an upgrade to an existing transmission line necessary for interconnection to a new transmission line described in subparagraph (A).

“(10) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Energy.

“(11) **STATE.**—The term ‘State’ means—

“(A) a State; and

“(B) the District of Columbia.

“(b) **PLANNING.**—

“(1) **PURPOSE.**—The purpose of this subsection is to plan for a Clean Energy Superhighway that—

“(A) expands and modernizes the electrical transmission grid of the United States to meet the goals of increasing energy security and protecting the environment;

“(B) integrates location-constrained resources, including renewable and low-carbon electricity generation;

“(C) improves delivery of electricity from location-constrained resources to load centers;

“(D) ensures sufficient transmission capacity for future demand growth, including energy efficiency, distributed generation and storage, and demand response resources;

“(E) integrates smart grid technologies;

“(F) enhances the reliability and efficiency of the electrical transmission grid;

“(G) relieves congestion on the electrical transmission grid;

“(H) plans, to the maximum extent practicable, for at least 50 percent of light-duty vehicles used in the United States by calendar year 2030 to be light-duty grid-enabled vehicles;

“(I) meets any renewable electricity standard established by law; and

“(J) provides the lowest-cost delivered energy to markets.

“(2) PLANNING REQUIREMENT.—

“(A) IN GENERAL.—

“(i) REQUIREMENT.—Not later than 90 days after the date of enactment of the National Energy Security Act of 2009, the Commission shall promulgate regulations consistent with this section for—

“(I) the operation, composition, and selection of the regional planning authorities; and

“(II) the contents of, and certification requirements for, the regional plans produced by regional planning authorities.

“(ii) REQUIREMENT.—The Commission shall certify not less than 1, and not more than 4, regional planning authorities for each of the Eastern and Western Interconnections of the United States.

“(iii) CLEAN ENERGY SUPERHIGHWAY.—Each regional planning authority certified by the Commission shall participate in the development of the Clean Energy Superhighway.

“(iv) NUMBER OF REGIONAL PLANNING AUTHORITIES.—The Commission shall minimize, to the maximum extent practicable, the number of regional planning authorities in the Eastern and Western Interconnections while ensuring that the entire domestic footprint of the Interconnections is covered.

“(B) CERTIFICATION OF REGIONAL PLANNING AUTHORITIES.—

“(i) IN GENERAL.—To be eligible to be certified as a regional planning authority for a region under this subsection, a regional planning organization shall apply to, and be approved by, the Commission.

“(ii) REQUEST FOR APPLICATIONS.—Not later than 90 days after the date of enactment of National Energy Security Act of 2009, the Commission shall issue a request for from entities seeking to be certified as a regional planning authority for the Eastern or Western Interconnection.

“(iii) ELIGIBILITY.—

“(I) IN GENERAL.—Any group of Regional Transmission Organizations, Independent System Operators, regional entities (as defined in section 215(a)), or other multistate organizations or entities may apply to be certified as a regional planning authority under this subsection.

“(II) STATE PARTICIPATION.—An organization that applies for certification under subclause (I) shall invite the Governor or the designee of the Governor from each affected State and a representative from each affected Indian tribe to participate in the organization.

“(III) MINIMUM SIZE.—To be certified as a regional planning authority under this subparagraph, an organization shall represent a region that is of sufficient size—

“(aa) to encompass generation resources that are sufficient to meet load require-

ments in the region, taking into account potential generation from location-constrained resources and projected load growth; and

“(bb) to possess sufficient market scope to produce economic and operational efficiencies.

“(iv) PLANNING PRINCIPLES.—The Commission shall establish rules and procedures for the designation of regional planning authorities to ensure that the planning process proposed by an applicant—

“(I) is consistent with the purposes described in paragraph (1);

“(II) is open, transparent, and nondiscriminatory;

“(III) includes consultation with all affected Federal land management agencies, Indian tribes, and States within a region;

“(IV) builds on planning undertaken by States, Indian tribes, Federal transmitting utilities, Regional Transmission Organizations, Independent System Operators, utilities, and others;

“(V) is developed in conformance with Commission requirements for planning using open access transmission tariffs;

“(VI) solicits input from load-serving and wholesale entities, transmission owners and operators, renewable energy developers, environmental organizations, Indian tribes, and other interested parties;

“(VII) includes an interim process to evaluate expeditiously whether new renewable feeder lines should be added to the plan; and

“(VIII) uses the best available information on resources, load, and demand projections.

“(v) CERTIFICATION.—

“(I) IN GENERAL.—Except as provided in subclauses (II) and (III), not later than 90 days after the date on which the Commission issues a request for applications under clause (ii), the Commission shall certify at least 1 regional planning authority for each of the Eastern and Western Interconnections.

“(II) INSUFFICIENT APPLICATION.—Subclause (I) shall not apply if the Commission—

“(aa) has not received an application from any entity in the applicable Interconnection; or

“(bb) has received applications from entities that do not satisfy the criteria established by the Commission for a regional planning authority.

“(III) COMMISSION RESPONSIBILITY.—If the Commission does not receive sufficient applications as described in subclause (II) for any portion of an Interconnection, the Commission shall—

“(aa) assume the responsibilities of a regional planning authority for the uncovered portion of the Interconnection; and

“(bb) submit to Congress written notification of an intent to assume responsibility under this subclause at least 30 days before the date that responsibility is assumed.

“(C) OVERSIGHT OF REGIONAL PLANNING AUTHORITIES.—The Commission shall establish procedures to oversee certified regional planning authorities under this subsection.

“(3) DUTIES OF SECRETARY.—

“(A) RESOURCE ASSESSMENTS.—

“(i) IN GENERAL.—The Secretary shall conduct nationwide assessments to identify areas with a significant potential for the development of location-constrained resources.

“(ii) FORMATS.—The resource assessments shall be made available to the public in multiple formats, including in a Geographical Information System compatible format.

“(iii) TIMING.—The Secretary shall—

“(I) make the initial resource assessment required under this subparagraph not later than 180 days after the date of enactment of the National Energy Security Act of 2009; and

“(II) refine the resource assessment on a regular basis that is consistent with regional planning cycles.

“(B) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to regional planning authorities, on request, to assist the authorities in carrying out this section.

“(C) CONGESTION STUDIES.—

“(i) IN GENERAL.—The Secretary shall conduct or update a study of electric transmission congestion and report the results of the study to certified regional planning authorities to assist the authorities in carrying out this section.

“(ii) RECENT STUDY.—The Secretary shall ensure that a congestion study that is not more than 2 years old is available at the time regional planning authorities are certified by the Commission.

“(iii) UPDATES.—The Secretary shall update a congestion study at least once every 2 years, consistent with the planning cycle.

“(4) PLANNING PROCESS.—

“(A) IN GENERAL.—Once certified, a regional planning authority shall establish a regional or interconnection-wide Clean Energy Superhighway plan that—

“(i) meets the purposes of this subsection; and

“(ii) identifies necessary Clean Energy Superhighway facilities and transmission infrastructure that need to be added or upgraded to achieve the planned Clean Energy Superhighway.

“(B) STAKEHOLDER INVOLVEMENT.—

“(i) IN GENERAL.—In carrying out this section, a regional planning authority shall establish a consultative public process that, to the maximum extent practicable, engages regional stakeholders, including—

“(I) public service commissions and other relevant State agencies;

“(II) load-serving entities and wholesale entities that provide transmission and power supply services;

“(III) representatives of the retail customers of the load-serving entities;

“(IV) transmission owners and operators;

“(V) utilities and merchant generators;

“(VI) renewable energy developers;

“(VII) environmental organizations;

“(VIII) Indian tribes;

“(IX) Federal land use agencies; and

“(X) other interested parties.

“(ii) CRITERIA.—A regional planning authority shall encourage stakeholders, to the maximum extent practicable, to provide input to establish criteria based on paragraphs (1) and (2)(B)(iv) to create a Clean Energy Superhighway plan.

“(iii) PUBLIC MEETINGS.—A regional planning authority shall provide notice and hold public meetings to solicit public input in carrying out this subsection.

“(5) PLANNING.—Not later than 1 year after the certification of a regional planning authority under this subsection, the certified regional planning authority shall submit to the Commission for approval a Clean Energy Superhighway plan that—

“(A) evaluates potential location-constrained resources;

“(B) provides for long-term planning for both the 10 year- and 20 year-horizons, that takes into account future demand growth and reasonable models of future generation growth, including energy efficiency, demand response, and distributed storage and generation;

“(C) establishes (in consultation with Federal and State land agencies, environmental groups, and Indian tribes) appropriate areas to be avoided in siting of Clean Energy Superhighway facilities, to the maximum extent practicable, including—

“(i) national parks, national marine sanctuaries, reserves, recreation areas, and other similar units of the National Park System;

“(ii) designated wilderness, designated wilderness study areas, and other areas managed for wilderness characteristics;

“(iii) national historic sites and historic parks;

“(iv) inventoried roadless areas and significant noninventoried roadless areas within the National Forest System;

“(v) national monuments;

“(vi) national conservation areas;

“(vii) national wildlife refuges and areas of critical environmental concern;

“(viii) national historic and national scenic trails;

“(ix) areas designated as critical habitat;

“(x) national wild, scenic, and recreational rivers;

“(xi) any area in which Federal law prohibits energy development; and

“(xii) any area in which applicable State law or Indian tribal code enacted prior to the date of enactment of the National Energy Security Act of 2009 prohibits transmission development;

“(D) identifies the transmission infrastructure to be included as Clean Energy Superhighway facilities, taking into consideration—

“(i) that, to the maximum extent practicable—

“(I) areas with the potential for the development of location-constrained resources shall be connected to the Clean Energy Superhighway;

“(II) load centers shall be connected to the Clean Energy Superhighway; and

“(III) areas in subparagraph (C) shall be avoided by the Clean Energy Superhighway; and

“(ii) all other relevant factors;

“(E) performs necessary engineering analyses;

“(F) permits persons to propose to the regional planning authority Clean Energy Superhighway facilities to meet the needs identified in the long-term plan of the regional planning authority; and

“(G) considers staging of projects, including the logical order of building and construction timelines.

“(6) ALLOWANCE OF WAIVERS FOR CERTAIN LINES.—A regional planning authority may petition the Commission to allow the inclusion of 230 kilovolt lines in an approved plan if the regional planning authority demonstrates to the Commission that unique regional conditions exist that require a lower voltage line.

“(7) MULTIPLE REGIONAL PLANNING AUTHORITIES.—

“(A) IN GENERAL.—If more than 1 regional planning authority is certified in an Interconnection, the regional planning authorities in the Interconnection shall ensure that the submitted plan integrates with the other plans in the Interconnection.

“(B) MODIFICATION.—The Commission shall modify the plans submitted under paragraph (9)(B), as necessary, to ensure that plans established under this section are integrated.

“(8) COORDINATION.—In the development of a Clean Energy Superhighway plan, a regional planning authority shall coordinate, as appropriate, with planning authorities and other interested parties in Canada, Mexico, the Electric Reliability Council of Texas, and other Interconnections.

“(9) NATIONAL PLAN CERTIFICATION.—

“(A) IN GENERAL.—The Commission shall determine whether the plans submitted by the regional planning authorities under this subsection carry out the purposes of this section.

“(B) ADMINISTRATION.—

“(i) PUBLIC COMMENT.—The Commission shall provide an opportunity for public comment on each plan submitted by a regional planning authority.

“(ii) MODIFICATIONS.—

“(I) IN GENERAL.—The Commission may modify or reject a plan as necessary to achieve the purposes of this section.

“(II) OPINION.—If the Commission modifies or rejects a plan, not later than 60 days after the date the plan is submitted by the regional planning authority, the Commission shall provide a written opinion to the regional planning authority that contains the facts and reasons supporting the action of the Commission.

“(iii) RESUBMISSION.—Subject to paragraph (10)(A)(iii), if the Commission rejects a plan, the regional planning authority may submit a revised plan within 90 days of the Commission's rejection.

“(iv) CERTIFICATION.—If the Commission determines that a plan meets the purposes of this section, the Commission shall certify the plan for establishing a Clean Energy Superhighway.

“(10) BEST PRACTICES.—The Commission shall—

“(A) conduct regular reviews of best practices in planning under this subsection; and

“(B) make available and use those best practices in carrying out this subsection.

“(11) TIMING.—

“(A) IMPLEMENTATION.—

“(i) IN GENERAL.—Not later than 1 year after the date of certification by the Commission, a regional planning authority shall complete the planning process required under this section.

“(ii) WITHHOLDING OF PLANNING FUNDS.—If the Commission has not received a plan from a regional planning authority by the date that is 1 year after the date of the certification of the regional planning authority by the Commission, the Commission shall—

“(I) determine the cause for the delay; and

“(II) inform the Secretary, who may withhold future planning funds from the regional planning authority under this subsection, if the Commission determines that the process of the regional planning authority is not sufficiently implementing this subsection.

“(iii) ASSUMPTION OF PLANNING RESPONSIBILITY.—If the Commission has not certified the regional plan for a region by the date that is 18 months after the date of the certification of the regional planning authority by the Commission, the Commission shall assume the responsibility for creating a regional plan for the region consistent with the planning process established under paragraph (4).

“(iv) NOTIFICATION.—The Commission shall submit to Congress written notification of an intent to assume responsibility under clause (iii) at least 30 days before the date that responsibility is assumed.

“(B) UPDATES.—Not later than 2 years after the initial establishment of a plan under this section and every 2 years thereafter, a regional planning authority shall (in accordance with procedures required for the initial establishment of a plan) review and (as necessary) modify the plan established under this section to ensure that the plan promotes the purposes of this section.

“(12) RECOVERY OF COSTS ASSOCIATED WITH INTERCONNECTION-WIDE TRANSMISSION GRID PROJECT PLANNING.—

“(A) IN GENERAL.—A regional planning authority and a participating State shall be permitted to recover prudently incurred costs to carry out the planning activities required under this subsection pursuant to a Federal transmission surcharge that will be established by the Commission for the purposes of carrying out this section.

“(B) SURCHARGE.—A regional planning authority shall—

“(i) establish a Federal transmission surcharge based on a formula rate that is submitted to the Commission for approval; and

“(ii) adjust the formula and surcharge on an annual basis.

“(C) COST RESPONSIBILITY.—Cost responsibility under each surcharge shall be assigned based on energy usage to all load-serving entities within each regional planning authority.

“(D) LIMITATION.—The total amount of surcharges that may be imposed or collected nationally under this paragraph shall not exceed \$80,000,000 for any calendar year.

“(E) OTHER FUNDS.—Funds made available for transmission planning under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may be used to carry out this subsection.

“(c) COST ALLOCATION.—

“(1) PURPOSES.—The purposes of this subsection are—

“(A) to ensure that the costs of the Clean Energy Superhighway are borne widely by all beneficiaries of new transmission and are not borne disproportionately by ratepayers or generators in specific areas; and

“(B) to promote the national interest in a Clean Energy Superhighway in accordance with the purposes of this part.

“(2) SUBMISSION.—Not later than 1 year after the date of the certification of the last regional planning authority, all regional planning authorities within an Interconnection may submit jointly a single integrated Interconnection-wide cost allocation proposal to the Commission for allocating the costs of Clean Energy Superhighway facilities under this section.

“(3) ACTION BY COMMISSION.—Not later than 120 days after the date of receipt of a cost-allocation plan submitted under paragraph (2), the Commission shall—

“(A) provide notice and an opportunity for a hearing;

“(B) evaluate the plan; and

“(C)(i) approve the plan if the Commission finds that the plan results in just and reasonable rates that promote the purposes of this section (including this subsection); or

“(ii) reject or modify the plan if the Commission finds that the plan does not result in just and reasonable rates that promote the purposes of this section (including this subsection).

“(4) RESUBMISSION OF PLAN.—

“(A) IN GENERAL.—If the Commission rejects the cost allocation plan under paragraph (3)(C)(i), the Commission shall give guidance to the regional planning authorities on remediation measures.

“(B) RESUBMISSION.—Not later than 90 days after the date of the rejection, the regional planning authorities may submit to the Commission a revised cost allocation plan for the region under this subsection.

“(C) MODIFICATIONS.—

“(i) IN GENERAL.—Not later than 60 days after the date of resubmission of a cost-allocation plan, the Commission shall approve, modify, or reject the plan as necessary to achieve the purposes of this section.

“(ii) OPINION.—If the Commission modifies or rejects a plan, not later than 60 days after the date the plan is resubmitted by the regional planning authority, the Commission shall provide a written opinion to the regional planning authority that contains the facts and reasons supporting the action of the Commission.

“(5) COMMISSION ALLOCATION OF COSTS.—If the regional planning authorities do not submit an Interconnection-wide cost allocation plan within the time periods specified in paragraphs (2) and (4) or if the Commission

does not approve a cost allocation plan submitted by the regional planning authorities for an interconnection, the Commission shall allocate the costs of new transmission in the region under this section to all of the load-serving entities in the interconnection on a load-ratio share basis.

“(6) IMPLEMENTATION.—

“(A) IN GENERAL.—The Commission shall adopt such rules, require inclusion of such provisions in transmission tariffs, and take such other actions as are necessary to efficiently—

“(i) collect the costs for development and operation of Clean Energy Superhighway facilities; and

“(ii) distribute the resultant revenues to owners of the facilities.

“(B) TRANSMISSION CUSTOMER.—The rules or tariffs may consider each load-serving entity in an interconnection to be a transmission customer under 1 or more of the tariffs established for collection of the costs for development and operation of Clean Energy Superhighway facilities.

“(d) SITING.—

“(1) PURPOSES.—The purpose of the integrated siting process provided for in this subsection is to provide an efficient and timely certification process that ensures participation of Federal land management agencies, States, and Indian tribes, and the appropriate protection of resources, in siting applications before the Commission.

“(2) PREFILING.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Energy Security Act of 2009, the Commission shall promulgate regulations to implement an integrated prefiling process for the preparation of an application for the certification of a Clean Energy Superhighway facility.

“(B) PREAPPLICATION INFORMATION.—

“(i) IN GENERAL.—The regulations for the prefiling process shall include the appropriate information required for the Commission to determine if the proposed facility is included in the Clean Energy Superhighway plan certified by the Commission under subsection (b)(9).

“(ii) STEPS.—The regulations shall establish a list of steps that shall be completed before submitting an application for a certificate, including the steps required under this subparagraph.

“(iii) NOTICE OF INTENT TO APPLY.—The applicant shall submit to the Commission a notice of intent to apply for a Clean Energy Superhighway certificate that includes a preliminary routing plan.

“(iv) DETERMINATION OF INCLUSION IN PLAN.—The Commission shall determine whether the proposed facility is included in a Clean Energy Superhighway plan certified under subsection (b)(9).

“(v) NOTIFICATION.—The Commission shall provide notice to the public, affected States, Federal land agencies, and Indian tribes of a notice of any intent to apply for a certificate.

“(vi) PREFILING SCHEDULE.—The Commission shall establish a prefiling schedule for the applicant, agencies, and Indian tribes.

“(vii) STATE SITING CONSTRAINTS.—The applicant shall consider the State siting constraints identified under paragraph (3).

“(viii) CONSULTATION.—The applicant shall consult with affected States, Federal land agencies, and Indian tribes in carrying out this subsection

“(ix) EARLY SCOPING PROCESS.—The Commission shall conduct an early scoping process that is consistent with the terms and conditions of section 5.8 of title 18, Code of Federal Regulations (or a successor section), as determined by the Commission.

“(x) CONSOLIDATED RECORD.—The Commission shall create and maintain a consoli-

dated record for all decisions made or actions taken by the Commission or by a Federal, State, Indian tribe administrative agency, or officer under this subsection.

“(xi) SITING DISPUTE RESOLUTION BOARD.—The Commission shall establish a siting dispute resolution board that is consistent with the terms and conditions of section 5.14 of title 18, Code of Federal Regulations and paragraph (3)(B), as determined by the Commission.

“(C) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—An applicant shall comply with the prefiling process established under this paragraph before filing an application for a certificate of public convenience and necessity with the Commission.

“(3) STATE SITING CONSTRAINTS.—

“(A) STATE AGENCY.—

“(i) IN GENERAL.—The Governor of a State in which a Clean Energy Superhighway facility is proposed pursuant to paragraph (2) shall designate the appropriate State agency to coordinate with the Commission on siting.

“(ii) SITING CONSTRAINTS AND MITIGATION MEASURES.—

“(I) IN GENERAL.—Applicants shall work with affected States in the prefiling process described in paragraph (2).

“(II) DESIGNATED STATE AGENCY.—At the conclusion of the prefiling process, the designated State agency may identify and communicate to the applicant and the Commission information on siting constraints and mitigation measures (including habitat protection, environmental considerations, cultural site protection, or other factors) for a Clean Energy Superhighway facility within the State.

“(B) SITING DISPUTE RESOLUTION BOARD.—

“(i) IN GENERAL.—During the prefiling process for each Clean Energy Superhighway facility application, the Commission shall establish a siting dispute resolution board to ensure appropriate siting within and across the borders of the State.

“(ii) COMPOSITION.—The board for a Clean Energy Superhighway facility shall be composed of—

“(I) 1 representative of the Commission, who is not otherwise involved in the applicable proceeding;

“(II) 1 representative of each affected State, as designated by the Governor, and who is not otherwise involved in the proceeding; and

“(III) 1 independent person with expertise in the area, selected by the other 2 panelists from a preestablished list of individuals who have that expertise (as established by the Commission).

“(iii) APPEALS.—If the applicant does not agree with the siting constraints and mitigation measures proposed by a State, the applicant may appeal the constraints and measures to the appropriate siting dispute resolution board.

“(iv) DECISION.—The board shall—

“(I) make a decision on any appeal made under clause (iii); and

“(II) submit to the Commission a recommendation for final dispute resolution.

“(C) FEDERAL ACTION.—

“(i) IN GENERAL.—The Commission shall incorporate State siting constraints and mitigation measures in the certificate issued under paragraph (9), unless the Commission finds that any recommendation referred to in subparagraph (A) (based on the recommendation of the applicable siting dispute resolution board) is inconsistent with the purposes and requirements of this section or other applicable Federal law.

“(ii) FINDINGS.—If (after any proceedings of a siting dispute resolution board) the Commission does not adopt in whole or in part a recommendation of the State agency, the

Commission shall publish (together with a description of the basis for each finding)—

“(I) a finding that adoption of the recommendation of the siting dispute resolution board is inconsistent with the purposes and requirements of this section or with other applicable provisions of Federal law; or

“(II) a finding that adopts the recommendations of the siting dispute resolution board conditions selected by the Commission comply with the State siting constraints and mitigation measures described in subparagraph (A).

“(4) FEDERAL AUTHORITY.—

“(A) IN GENERAL.—Except as otherwise provided in this subsection, the Commission shall have exclusive jurisdiction over the granting of a certificate for the siting of a Clean Energy Superhighway facility.

“(B) RIGHTS OF WAY.—

“(i) IN GENERAL.—The Secretary of the Interior shall provide a route for a Clean Energy Superhighway facility on public land in accordance with the terms and conditions of agency land use plans.

“(ii) INDIAN LAND.—In carrying out this subparagraph, the Secretary of the Interior shall use the process established under the terms and conditions of section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) and the Act of February 5, 1948 (25 U.S.C. 323 et seq.) (including applicable regulations) to establish a right-of-way for a Clean Energy Superhighway on Indian land, as determined by the Secretary of the Interior.

“(iii) CONNECTION OF INDIVIDUAL LINES.—The Commission shall work with the Secretary of the Interior to ensure that the routing of an individual line across public and private land is appropriately connected.

“(5) SCHEDULE.—

“(A) IN GENERAL.—The Commission shall establish a schedule for all Federal authorizations under this subsection.

“(B) ADMINISTRATION.—In establishing the schedule, the Commission shall—

“(i) ensure expeditious completion of all such proceedings; and

“(ii) comply with applicable schedules established by Federal law.

“(6) EXISTING CORRIDORS.—A route for a Clean Energy Superhighway facility shall, to the maximum extent practicable, use existing corridors, including multiuse and highway corridors.

“(7) ENVIRONMENTAL PROTECTION.—

“(A) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any requirements of an environmental law of the United States, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) ENVIRONMENTAL REVIEW OF INDIVIDUAL LINES.—In the case of a Clean Energy Superhighway facility, the Commission shall—

“(i) serve as lead agency for the purposes of coordinating the environmental review that is required by law between all relevant Federal agencies;

“(ii) in consultation with the affected Federal and State agencies and Indian tribes, prepare a single environmental review document as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(iii) in the case of a line that traverses Federal land, take any action that is required under the terms and conditions of applicable land use plans.

“(C) DEADLINE.—The environmental reviews described in subparagraph (B) shall be completed not later than 1 year after date of application for a certificate.

“(D) MEMORANDUM OF UNDERSTANDING.—Not later than 1 year after the date of enactment of the National Energy Security Act of 2009, the Commission shall enter into a

memorandum of understanding with all applicable Federal land agencies to create a streamlined and consolidated environmental review process to carry out this section.

“(8) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—

“(A) IN GENERAL.—No individual or entity (including States and entities described in subsection (f)) shall construct, acquire, or operate any Clean Energy Superhighway facility, or modify a Clean Energy Superhighway facility for which a certificate was previously issued under this subsection, unless there is in force with respect to the individual or entity a certificate of public convenience and necessity issued by the Commission authorizing such acts or operation.

“(B) APPLICATION FOR CERTIFICATE.—Any individual or entity that seeks to operate, construct, acquire, or modify any Clean Energy Superhighway facility shall—

“(i) complete the prefiling process under paragraph (2);

“(ii) submit to the Commission a written application in such form and containing such information as the Commission may by regulation require; and

“(iii) provide notice of and opportunity for hearing on the application to interested parties in such manner as the Commission shall by regulation require.

“(C) HEARING.—On receipt of an application under this paragraph, the Commission—

“(i) shall—

“(I) provide notice and opportunity to interested persons; and

“(II) include any applicable conditions; and

“(ii) may approve or disapprove the application, in accordance with paragraph (9).

“(9) GRANT OF CERTIFICATE.—

“(A) IN GENERAL.—A certificate shall be issued to a qualified applicant for the certificate authorizing the whole or partial operation, construction, acquisition, or modification covered by the application, only if the Commission determines that—

“(i) the facility is included in the Clean Energy Superhighway plan certified by the Commission;

“(ii) 1 or more applicants are able and willing—

“(I) to carry out the acts and perform the service proposed; and

“(II) to comply with this Act (including regulations); and

“(iii) the proposed operation, construction, acquisition, or modification, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity.

“(B) TERMS AND CONDITIONS.—The Commission shall have the power to attach to the issuance of a certificate under this paragraph and to the exercise of the rights granted under the certificate such reasonable terms and conditions as the public convenience and necessity may require, including (as may be required by applicable law) land use plans or applicable rights-of-way.

“(C) EVALUATION OF ABILITIES OF APPLICANT.—

“(i) IN GENERAL.—In evaluating the ability of 1 or more applicants described in subparagraph (A)(ii), the Commission shall consider whether the financial and technical capabilities of the applicant are adequate to support construction and operation of the project proposed in the application.

“(ii) JOINT OWNERSHIP PROJECTS.—In evaluating applications that feature joint ownership projects by multiple load-serving or wholesale entities, the Commission shall consider benefits from the greater diversification of financial risk inherent in the applications.

“(D) PUBLIC CONVENIENCE AND NECESSITY.—In making a determination with respect to public convenience and necessity described

in subparagraph (A)(iii), the Commission shall presume that there is a public need for a proposed project that is included in the Clean Energy Superhighway plan developed pursuant to this section or that constitutes all of or a portion of a renewable feeder line.

“(10) RIGHT OF EMINENT DOMAIN.—

“(A) IN GENERAL.—If any holder of a certificate issued under paragraph (9) cannot acquire by contract, or is unable to agree with the owner of property on the compensation to be paid for, the right-of-way to construct, operate, and maintain the project to which the certificate relates, and the necessary land or other property necessary to the proper operation of the project, the holder may acquire the right-of-way by the exercise of the right of eminent domain through a proceeding in—

“(i) the United States district court for the district in which the property is located; or

“(ii) a State court, to the extent permitted under State law.

“(B) PRACTICE AND PROCEDURE.—The practice and procedure for any action or proceeding described in subparagraph (A) in a United States district court shall conform, to the maximum extent practicable, to the practice and procedure for similar actions or proceedings in the courts of the State in which the property is located.”;

(2) by striking subsections (i), (j), (k);

(3) by redesignating subsection (h) as subsection (e);

(4) in subsection (e) (as redesignated by paragraph (3))—

(A) in paragraph (2), by striking “Department of Energy” and inserting “Federal Energy Regulatory Commission (referred to in this subsection as the ‘Commission’)”; and

(B) in paragraph (3), by striking “Secretary” and inserting “Commission”; and

(5) by adding at the end the following:

“(f) APPLICABILITY.—This section does not apply to the State of Alaska or Hawaii or to the Electric Reliability Council of Texas, unless the State or the Council voluntarily elects to be covered by this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary to carry out this section.”.

SEC. 102. RECOVERY OF COSTS FOR SMART GRID TECHNOLOGY AND ADVANCED MATERIALS.

Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(C) all prudently incurred costs relating to the deployment of smart grid technology for transmission infrastructure (within the meaning of title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.)); and

“(D) all prudently incurred costs relating to the use of advanced materials for the construction of technology transmission facilities if the advanced materials are at least 25 percent more efficient than standard transmission materials.”.

TITLE II—TRANSPORTATION SECTOR

Subtitle A—Electrification of Transportation Sector

SEC. 201. MINIMUM FEDERAL FLEET REQUIREMENT.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

“(2) PLUG-IN ELECTRIC DRIVE VEHICLES.—Of the total number of vehicles acquired by a Federal fleet under paragraph (1), at least the following percentage of the vehicles shall be plug-in electric drive vehicles (as defined in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a))):

“(A) 10 percent for fiscal year 2012.

“(B) The applicable percentage for the preceding fiscal year increased by 5 percentage points (but not to exceed a total of 50 percent) for fiscal year 2013 and each subsequent fiscal year.”; and

(C) in paragraph (3) (as redesignated by subparagraph (A)), by inserting “or (2)” after “paragraph (1)”; and

(2) by striking subsection (c) and inserting the following:

“(c) ALLOCATION OF INCREMENTAL COSTS.—

Subject to the availability of funds appropriated to carry out this subsection (to remain available until expended), the General Services Administration shall pay the incremental cost of alternative fueled vehicles over the cost of comparable gasoline vehicles for vehicles that the Administration purchased for the use of the Administration or on behalf of other agencies, in a total amount of not to exceed \$300,000,000 for any of fiscal years 2012 through 2016.”;

(3) in subsection (f), by adding at the end the following:

“(4) COMPLIANCE.—Compliance with this subsection shall not relieve the Federal agency of the obligations of the agency under subsection (b).”; and

(4) in subsection (g), by striking “fiscal years 1993 through 1998” and inserting “each fiscal year”.

SEC. 202. USE OF HOV FACILITIES BY LIGHT-DUTY PLUG-IN ELECTRIC DRIVE VEHICLES.

Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “Before” and inserting “Except as provided in subparagraph (D), before”;

(2) in subparagraph (B), by striking “Before” and inserting “Except as provided in subparagraph (D), before”; and

(3) by adding at the end the following:

“(D) USE BY PLUG-IN ELECTRIC DRIVE VEHICLES.—

“(i) DEFINITION OF PLUG-IN ELECTRIC DRIVE VEHICLE.—In this subparagraph, the term ‘plug-in electric drive vehicle’ has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

“(ii) USE OF HOV FACILITIES.—A State agency—

“(I) shall permit vehicles that are certified as low emission and energy-efficient vehicles in accordance with subsection (e) that are light-duty plug-in electric drive vehicles, and that are purchased on or before December 31 of the calendar year described in clause (iii), as determined by the Secretary, to use HOV facilities in the State; and

“(II) shall not impose any toll or other charge on such a vehicle for use of a HOV facility in the State.

“(iii) CALENDAR YEAR.—The calendar year referred to in clause (ii)(I) is the calendar year during which, as determined by the Secretary, the aggregate number of plug-in electric drive vehicles sold in the United States during all calendar years exceeds 2,000,000.

“(iv) PETITION.—A State may petition the Secretary to limit or discontinue the use of a HOV facility by plug-in electric drive vehicles if the State demonstrates to the Secretary that the presence of the plug-in electric drive vehicles has degraded the operation of the HOV facility.”.

SEC. 203. RECHARGING INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) **LOCAL GOVERNMENT.**—The term “local government” has the meaning given the term in section 3371 of title 5, United States Code.

(2) **PLUG-IN ELECTRIC DRIVE VEHICLE.**—The term “plug-in electric drive vehicle” has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

(3) **RANGE EXTENSION INFRASTRUCTURE.**—The term “range extension infrastructure” includes equipment, products, or services for recharging plug-in electric drive vehicles that—

(A) are available to retail consumers of electric drive vehicles on a non-discriminatory basis;

(B) provide for extending driving range through battery exchange or rapid recharging; and

(C) are comparable in convenience and price to petroleum-based refueling services.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study of—

(A) the number and distribution of recharging facilities, including range extension infrastructure, that will be required for drivers of plug-in electric drive vehicles to reliably recharge the electric drive vehicles;

(B) minimum technical standards for public recharging facilities in coordination with the National Institute of Standards and Technology; and

(C) the concurrent technical and infrastructure investments that electric utilities and electricity providers will be required to make to support widespread deployment of recharging infrastructure and the estimated costs of the investments.

(2) **COMPONENTS.**—In conducting the study required under this subsection, the Secretary shall analyze—

(A) the variety and density of recharging infrastructure options necessary to power plug-in electric drive vehicles under diverse scenarios, including—

(i) the ratio of residential, commercial, and public recharging infrastructure options necessary to support 10 percent, 20 percent, and 50 percent penetration of plug-in electric vehicles on a city fleet basis;

(ii) the ratio of residential, commercial, and public recharging infrastructure options necessary to support 10 percent, 20 percent, and 50 percent penetration of plug-in electric vehicles on a national fleet basis; and

(iii) the potential impact of fast charging on penetration rates and utility power management requirements;

(B) whether use of parking spots with access to recharging facilities should be limited to plug-in electric drive vehicles;

(C) whether model building codes should be amended to cover recharging facilities; and

(D) such other issues as the Secretary considers appropriate.

(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under this subsection, including any recommendations.

(c) **GRANTS AND LOANS TO STATE AND LOCAL GOVERNMENTS FOR RECHARGING INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Effective beginning October 1, 2010, the Secretary shall establish a program under which the Secretary shall provide grants and loans to local governments to assist in the installation of recharging facilities for electric drive vehicles in areas under the jurisdiction of the local governments. The Secretary shall provide funding under this section to State or local governments to pay not more than fifty percent of the recharging infrastructure cost.

(2) **ELIGIBILITY.**—To be eligible to obtain a grant or loan under this subsection, a local government shall—

(A) demonstrate to the Secretary that the applicant has taken into consideration the findings of the report submitted under subsection (b)(3), unless the local government demonstrates to the Secretary that an alternative variety and density of recharging infrastructure options would better meet the purposes of this section; and

(B) agree not to charge a premium for use of a parking space used to recharge an electric drive vehicle other than a charge for electric energy.

(3) **GUIDELINES.**—The Secretary shall establish guidelines for carrying out this subsection that are consistent with the report submitted under subsection (b)(3).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection a total of \$250,000,000 for grants and a total of \$250,000,000 for loans, to remain available until expended.

SEC. 204. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

Subtitle B of title I of the Energy and Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

“SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

“(a) **DEFINITIONS.**—In this section:

“(1) **PLUG-IN ELECTRIC DRIVE VEHICLE.**—The term ‘plug-in electric drive vehicle’ has the meaning given the term in section 131(a).

“(2) **RANGE EXTENSION INFRASTRUCTURE.**—The term ‘range extension infrastructure’ includes equipment, products, or services for recharging plug-in electric drive vehicles that—

“(A) are available to retail consumers of electric drive vehicles on a nondiscriminatory basis;

“(B) provide for extended driving range through battery exchange or rapid recharging; and

“(C) are comparable in convenience and price to petroleum-based refueling services.

“(b) **LOAN GUARANTEES.**—The Secretary shall guarantee loans made to eligible entities for the aggregate purchase by an eligible entity of not less than 5,000 batteries that use advanced battery technology within a calendar year.

“(c) **ELIGIBLE ENTITIES.**—To be eligible to obtain a loan guarantee under this section, an entity shall be—

“(1) an original equipment manufacturer;

“(2) a vehicle manufacturer;

“(3) an electric utility;

“(4) any provider of range extension infrastructure; or

“(5) any other qualified entity, as determined by the Secretary.

“(d) **REGULATIONS.**—The Secretary shall promulgate such regulations as are necessary to carry out this section.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.”

SEC. 205. STUDY OF END-OF-USEFUL LIFE OPTIONS FOR MOTOR VEHICLE BATTERIES.

(a) **IN GENERAL.**—In combination with the research, demonstration, and deployment activities conducted under section 641(k) of the Energy and Independence and Security Act of 2007 (42 U.S.C. 17231(k)), the Secretary shall conduct a study on the end-of-useful life options for motor vehicle batteries, including recommendations for stationary storage applications and recyclability design specifications.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Sec-

retary shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a), including any recommendations.

Subtitle B—Medium- and Heavy-Duty Vehicles

SEC. 211. MAXIMUM WEIGHT STUDY.

(a) **IN GENERAL.**—The Secretary of Transportation, in consultation with the Administrator of the National Highway Traffic Safety Administration, shall conduct a study to investigate whether oil savings goals can be achieved in the trucking industry without adverse safety consequences by determining the safety impacts and other effects of increasing the maximum allowable gross weight for vehicles using the Interstate System to allow for larger, more fuel-efficient tractor-trailers.

(b) **STUDY COMPONENTS.**—In conducting the study under this section, the Secretary of Transportation shall—

(1) determine whether a vehicle with a supplementary sixth axle and a gross weight of up to 97,000 pounds that is traveling at 60 miles per hour is capable of stopping at a distance of 355 feet or less;

(2) determine whether the use of the Interstate System by vehicles described in paragraph (1) would require a fundamental alteration of the vehicle architecture that is commonly used for the transportation of goods as of the day before the date of the enactment of this Act;

(3) analyze the safety impacts of allowing vehicles described in paragraph (1) to use the Interstate System; and

(4) consider the potential impact on highway safety of applying lower speed limits on such vehicles than the speed limits in effect on the day before the date of the enactment of this Act.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress that contains the results of the study conducted under this section, including a determination by the Secretary as to whether permitting vehicles with a supplementary sixth axle and a gross weight of not more than 97,000 pounds to use the Interstate System would have an adverse impact on highway safety.

(d) **DEFINITION.**—In this section, the term “Interstate System” has the meaning given that term in section 101(a) of title 23, United States Code.

SEC. 212. FUEL ECONOMY.

Section 32912(e)(1) of title 49, United States Code, is amended by inserting “provide equipment and facilities for the program established under section 32902(k), and to” after “shall be used by the Secretary to”.

Subtitle C—Alternative Transportation Technologies

SEC. 221. FLEXIBLE FUEL AUTOMOBILES.

(a) **IN GENERAL.**—Chapter 329 of title 49, United States Code, is amended—

(1) in section 32901(a)—

(A) by redesignating paragraphs (10) through (19) as paragraphs (11) through (20), respectively; and

(B) by inserting after paragraph (9) the following:

“(10) ‘flexible fuel automobile’ means an automobile that has been warranted by the manufacturer of the automobile to operate on gasoline and fuel mixtures containing 15 percent gasoline and 85 percent ethanol or methanol.”; and

(2) by inserting after section 32902 the following:

“§ 32902A. Requirement to manufacture flexible fuel automobiles

“(a) **IN GENERAL.**—For each model year listed in the following table, each manufacturer shall ensure that the percentage of

automobiles manufactured by the manufacturer for sale in the United States that are flexible fuel automobiles is not less than the percentage set forth for that model year in the following table:

"Model Year	Percentage
model year 2012	50 percent
model year 2013	60 percent
model year 2014	70 percent
model year 2015	80 percent
model year 2016	90 percent
model year 2017	100 percent

“(b) AUTOMOBILES EXCLUDED.—The requirement under subsection (a) shall not apply to any automobile that operates on diesel, natural gas, hydrogen, or electricity.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

“32902A. Requirement to manufacture flexible fuel automobiles.”.

(c) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations to carry out section 32902A of title 49, United States Code, as added by subsection (a).

SEC. 222. TRANSPORTATION ROADMAP STUDY.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) conduct a comprehensive analysis of energy use by automobiles; and

(2) use the analysis to conduct an integrated assessment of the technological options that could lead to reduced petroleum consumption and greenhouse gas emissions.

(b) COMPONENTS.—The study required under this section shall—

(1) assess the status of technology options, including—

(A) prospects of future fuels and pathways;

(B) the infrastructure and other barriers for increased market penetration;

(C) potential timing of market adoption;

(D) potential reductions of petroleum consumption and greenhouse gas emissions; and

(E) improvements in and priorities for Federal research and development program activities;

(2) consider issues relating to duty cycles, regional distinctions, and technological development timelines;

(3) build on and integrate applicable research conducted in recent years, including by the Academy;

(4) evaluate technical options and assess the extent to which the United States can employ the options to reduce oil intensity by 80 percent by calendar year 2050 and reduce carbon dioxide emissions at a rate that is consistent with national goals; and

(5) recommend policies to help facilitate the United States to meet national goals.

(c) REPORT.—Not later than 21 months after funds are first made available to carry out this section, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a), including any recommendations.

(d) UPDATES.—

(1) IN GENERAL.—Not later than 5 years after the initial study is conducted under this section and every 5 years thereafter, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall update the study required under this section.

(2) REPORT.—Not later than 21 months after the date an arrangement is entered into under paragraph (1), the Secretary shall submit to the appropriate committees of

Congress a report on the results of the updated study conducted under paragraph (1), including any recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,200,000.

DIVISION B—DOMESTIC PRODUCTION AND WORKFORCE DEVELOPMENT

TITLE I—INCREASING SUPPLY

Subtitle A—Increasing Production From Domestic Resources

SEC. 300. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—INVESTMENT IN RENEWABLE ENERGY

SEC. 301. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking “January 1, 2013” in paragraph (1) and inserting “January 1, 2015”, and

(2) by striking “January 1, 2014” each place it appears in paragraphs (2), (3), (4), (6), (7), (9), and (11)(B) and inserting “January 1, 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 302. EXPANSION AND EXTENSION OF NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (2) of section 54C(c) is amended by inserting “, for calendar years 2011, 2012, 2013, and 2014, an additional \$500,000,000 for each year, and, except as provided in paragraph (5) for years after 2014, zero,” after “\$800,000,000”.

(b) CARRYOVER OF UNUSED LIMITATION.—Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

“(5) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(A) the amount allocated under paragraph (2) for such calendar year, exceeds

“(B) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

then the limitation amount under paragraph (2) for the following calendar year shall be increased by the amount of such excess.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2010.

SEC. 303. EXTENSION OF INVESTMENT TAX CREDIT FOR CERTAIN ENERGY PROPERTY.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking “January 1, 2017” and inserting “January 1, 2019”.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Subparagraph (D) of section 48(c)(4) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(d) GEOTHERMAL HEAT PUMP SYSTEMS.—Clause (vii) of section 48(a)(3)(A) is amended by striking “January 1, 2017” and inserting “January 1, 2019”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 304. INCREASE IN CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 48C(d)(1) is amended by striking “\$2,300,000,000” and inserting “\$4,000,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1302 of the American Recovery and Reinvestment Tax Act of 2009.

PART II—INVESTMENT IN ALTERNATIVE FUEL PROPERTY

SEC. 311. EXTENSION OF CREDITS FOR ALCOHOL FUELS.

(a) IN GENERAL.—Sections 40, 6426(b)(6), and 6427(e)(6)(A) are amended by striking “2010” each place it appears and inserting “2011”.

(b) CONFORMING AMENDMENT.—Section 40(e)(1)(B) is amended by striking “2011” and inserting “2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses after the date of the enactment of this Act.

SEC. 312. EXTENSION OF CREDITS FOR BIO-DIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(6)(B) are each amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses after the date of the enactment of this Act.

PART III—INVESTMENT IN ELECTRIC DRIVE AND ADVANCED VEHICLES

SEC. 321. EXTENSION OF CREDIT AND EXTENSION OF TEMPORARY INCREASE IN CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 30C is amended by striking “service—” and all that follows and inserting “service after December 31, 2018.”.

(b) EXTENSION OF TEMPORARY INCREASE.—Paragraph (6) of section 30C(e) is amended—

(1) by striking “January 1, 2011” and inserting “January 1, 2019”, and

(2) by striking “AND 2010” in the heading and inserting “THROUGH 2018”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 322. EXTENSION AND EXPANSION OF CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) EXTENSION.—Section 30D is amended by adding at the end the following new subsection:

“(g) TERMINATION.—This section shall not apply to any property purchased after December 31, 2018.”.

(b) RESTORATION OF CREDIT FOR LARGE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES WEIGHING OVER 14,000 POUNDS.—

(1) IN GENERAL.—The last sentence of section 30D(b)(3) is amended to read as follows: “The amount determined under this paragraph shall not exceed—

“(A) \$5,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 14,000 pounds,

“(B) \$10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(C) \$12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.”.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 30D(d) is amended by adding “and” at the end of subparagraph (D), by striking subparagraph (E), and by redesignating subparagraph (F) as subparagraph (E).

(c) INCREASE IN PER MANUFACTURER CAP.—Paragraph (2) of section 30D(e) is amended by striking “200,000” and inserting “400,000”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 323. EXTENSION OF CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Subsection (f) of section 30 is amended by striking “December 31, 2011” and inserting “December 31, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 324. EXTENSION OF CREDIT FOR MEDIUM AND HEAVY DUTY HYBRID VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 325. CREDIT FOR HEAVY DUTY NATURAL GAS VEHICLES.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting “(December 31, 2018, in the case of such a vehicle which has a gross vehicle weight rating of more than 26,000 pounds and which operates on compressed natural gas or liquified natural gas)” after “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

PART IV—LOW CARBON LOAN GUARANTEE PROGRAM

SEC. 331. INNOVATIVE LOW-CARBON LOAN GUARANTEE PROGRAMS.

Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b), by adding at the end the following:

“(11) Innovative low-carbon technology projects in accordance with subsection (f).”;

and

(2) by adding at the end the following:

“(f) INNOVATIVE LOW-CARBON TECHNOLOGY PROJECTS.—

“(1) IN GENERAL.—The Secretary may make guarantees to carry out innovative low-carbon technologies projects.

“(2) FUNDING.—

“(A) IN GENERAL.—Subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the total principal amount of loans guaranteed to carry out projects under this subsection shall not exceed \$50,000,000,000, to remain available until committed.

“(B) ADDITIONAL AMOUNTS.—Amounts made available to carry out this subsection shall be in addition to any other authority provided for fiscal year 2010 or any previous fiscal year.

“(C) SOURCE OF FUNDS.—

“(i) IN GENERAL.—Amounts made available to carry out this subsection shall be—

“(I) derived from amounts received from borrowers pursuant to section 1702(b)(2) for fiscal year 2010 or any previous fiscal year; and

“(II) collected in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(ii) TREATMENT.—The source of payment received from borrowers described in clause (i) shall be not considered a loan or other debt obligation that is guaranteed by the Federal Government.

“(D) SUBSIDY COST.—In accordance with section 1702(b)(2), no appropriations to carry out this subsection shall be available to pay the subsidy cost of guarantees.”.

PART V—INVESTMENT IN ETHANOL

SEC. 341. RESEARCH AND DEVELOPMENT OF FUNGIBLE BIOFUELS.

There is authorized to be appropriated for advanced biofuels research, development, and demonstration that will create fuels that are fungible in existing infrastructure \$100,000,000.

PART VI—STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES

SEC. 351. STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct—

(1) a study on the quantity of solar energy (including photovoltaic and solar thermal energy) that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment;

(2) a study on the quantity of geothermal energy (including regular and advanced geothermal energy) that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment;

(3) a study on the quantity of hydrokinetic energy that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment; and

(4) in consultation with the Secretary of Agriculture, a study on the quantity of renewable biomass energy that can reasonably be expected to be deployed in the United States by calendar year 2030, including consideration of—

(A) the needs of biofuels, biomass-based electricity, and thermal applications;

(B) the highest efficiency energy use of biomass resources; and

(C) the requirements and costs associated with deployment.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and make publicly available, a report that integrates the results of the studies conducted under subsection (a), and other relevant studies, including an analysis and recommendations on—

(1) the best areas and rates for deployment of solar, geothermal, wind, biomass, and hydrokinetic energy by calendar year 2030 (based on multiple alternative scenarios); and

(2) the levels of market penetration that can be accomplished by calendar year 2030 (based on multiple alternative scenarios).

Subtitle B—Increasing Production From Fossil Resources

PART I—OUTER CONTINENTAL SHELF

SEC. 361. INVENTORY OF OUTER CONTINENTAL SHELF OIL AND GAS RESOURCES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and subject to subsection (b), the Secretary of the Interior (referred to in this subtitle as the “Secretary”) shall complete an inventory of oil and natural gas resources in areas of the Outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) with the greatest potential for containing oil or gas reserves.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall carry out the inventory under subsection (a) in stages, focusing first on areas that the Secretary identifies as having the greatest potential for oil and gas reserves.

(2) PUBLIC COMMENTS.—To assist the Secretary in identifying areas that have the greatest potential for oil and gas reserves under paragraph (1), the Secretary shall, not

later than 60 days after the date of enactment of this Act, issue a notice in the Federal Register requesting comments from the public on areas of the Outer Continental Shelf that may contain the most significant oil and gas deposits.

(3) INITIATION OF CERTAIN INVENTORIES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall begin conducting any inventories in the Atlantic and Pacific areas of the Outer Continental Shelf.

(4) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory under subsection (a), the Secretary shall—

(A) use the best technology available to obtain accurate resource estimates; and

(B) include the results of geological and geophysical explorations carried out—

(i) under existing or expired leases; or

(ii) under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(5) REPORTS.—On completion of any independent reports prepared as part of an inventory under this section, the Secretary shall make the independent reports immediately available to the public.

(c) ENVIRONMENTAL STUDIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete any environmental studies necessary to gather information essential to an accurate inventory, including geological and geophysical explorations under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(d) REPORTS.—

(1) IN GENERAL.—On completion of an inventory under this section, the Secretary shall submit to Congress and the Governors of any affected coastal States a report that describes the results of the inventory.

(2) ASSESSMENT.—A report submitted under paragraph (1) shall include an assessment of the economic, energy, environmental, and national security impacts on the United States, any affected coastal States, and any affected local units of government if the oil and natural gas resources identified by the inventory were developed and produced, including estimates of any direct and indirect revenues that would be available to the Federal Government, the affected coastal State governments, and units of local government.

(e) EFFECT ON OIL AND GAS LEASING.—No inventory that is conducted under this section or any other Federal law (including regulations) shall restrict, limit, delay, or otherwise adversely affect—

(1) the development of any Outer Continental Shelf leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); or

(2) any leasing, exploration, development, or production of any Federal offshore oil and gas leases.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary of the Treasury shall make a 1-time transfer to the Secretary, from royalties collected in conjunction with the production of oil and gas, such sums as are necessary to carry out this section, including the completion of environmental studies necessary to conduct geological and geophysical explorations in all of the Outer Continental Shelf areas of the Atlantic and the Pacific under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(3) LIMITATION.—The amounts transferred under paragraph (1) shall not exceed \$150,000,000.

SEC. 362. LEASING OF OFFSHORE AREAS ESTIMATED TO CONTAIN COMMERCIALLY RECOVERABLE OIL OR GAS RESOURCES.

(a) **DEFINITION OF POTENTIAL PRODUCING AREA.**—In this section, the term “potential producing area” means any area in an Outer Continental Shelf planning area, as defined by the Minerals Management Service, that a seismic survey or other geologic study identifies as exhibiting geologic characteristics similar to the characteristics found in other commercial oil and gas producing regions in the Outer Continental Shelf or other oil and gas producing areas.

(b) **LEASING OF POTENTIAL PRODUCING AREAS.**—Not later than 1 year after the date of the release of an inventory or report under section 361 that identifies a potential producing area, the Secretary may make the potential producing area available for oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(c) **LEASING PLAN.**—The omission of a potential producing area from the applicable 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) may allow the leasing of a potential producing area under subsection (b).

SEC. 363. ENVIRONMENTAL STEWARDSHIP AND ALLOWABLE ACTIVITIES.

(a) **IN GENERAL.**—The Secretary shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the Outer Continental Shelf.

(b) **MINIMUM REQUIREMENTS.**—At a minimum, the regulations shall include—

(1) provisions requiring surety bonds of sufficient value to ensure the mitigation of any reasonably foreseeable incident that could be directly caused by persons engaged in oil and natural gas development, in accordance with subpart A of part 256 of title 30, Code of Federal Regulations (or successor regulations);

(2) provisions assigning liability to responsible parties of environmental damage to the Outer Continental Shelf to the extent that the damage is not otherwise implicitly or explicitly authorized or permitted by Federal law (including regulations);

(3) provisions no less stringent than the regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(4) provisions ensuring that—

(A) no surface facility is installed for the purpose of production of oil or gas resources in any area visible to the unassisted eye from any shore of any coastal State in any areas in the Outer Continental Shelf that have not previously been made available for oil and gas leasing;

(B) only temporary surface facilities are installed for areas that are—

(i) beyond the area described in subparagraph (A); and

(ii) located not more than 25 miles from the shore of any coastal State in any areas in the Outer Continental Shelf that have not previously been made available for oil and gas leasing; and

(C) the impact of offshore production facilities on coastal vistas is otherwise mitigated.

(c) **EXCLUSIONS.**—No regulations promulgated under this section shall apply to the development, construction, or operation of renewable energy facilities on the Outer Continental Shelf.

(d) **CONFORMING AMENDMENT.**—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432)) is amended by inserting “and any other area that the Sec-

retary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act” after “2006”.

SEC. 364. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.

(a) **MORATORIUM.**—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—Effective during the period beginning on the date of enactment of this Act and ending on June 30, 2022, the Secretary shall not offer for leasing, preleasing, or any related activity any area east of 85 degrees, 50 minutes West Longitude in the Eastern Planning Area that is within 45 miles of the coastline of the State of Florida.”

(b) **NATIONAL DEFENSE AREA.**—Section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)) is amended—

(1) by striking “The United States” and inserting the following:

“(1) **IN GENERAL.**—The United States”; and

(2) by adding at the end the following:

“(2) **REVIEW.**—Annually, the Secretary of Defense shall review the areas of the Outer Continental Shelf that have been designated as restricted from exploration and operation to determine whether the areas should remain under restriction.”

(c) **LEASING OF MORATORIUM AREAS.**—

(1) **IN GENERAL.**—As soon as practicable, after the date of enactment of this Act, the Secretary shall offer for leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), any areas made available for leasing as a result of the amendment made by subsection (a).

(2) **ADMINISTRATION.**—Any areas made available for leasing under paragraph (1) shall be offered for lease under this section—

(A) notwithstanding the omission of any of these respective areas from the applicable 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(B) in a manner consistent with section 363.

SEC. 365. TREATMENT OF REVENUES.

Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) is amended—

(1) in paragraph (2), by striking “Notwithstanding” and inserting “Except as provided in paragraph (6), and notwithstanding”;

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

“(6) **RENEWABLE ENERGY RESERVE FUND.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **FUND.**—The term ‘fund’ means the Renewable Energy Reserve Fund established by subparagraph (B).

“(ii) **QUALIFIED LEASE.**—The term ‘qualified lease’ means a natural gas or oil lease granted under this Act after the date of enactment of the National Energy Security Act of 2009 for an area that is made available for leasing under part I of subtitle B of title I of division B of that Act.

“(B) **ESTABLISHMENT.**—There is established in the Treasury of the United States a reserve account, to be known as the ‘Renewable Energy Reserve Account’, consisting of such amounts as are appropriated to the Fund under subparagraph (C).

“(C) **TRANSFERS TO FUND.**—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts received by the United States after September 30, 2009, as bonus bids, royalties, or rentals from, or otherwise collected under, any qualified lease on submerged land made available for

leasing under this Act by the National Energy Security Act of 2009 (including any amendment made by that Act).

“(D) **USE OF FUND.**—Subject to subparagraph (E), amounts in the Fund shall be used to offset the costs of carrying out the National Energy Security Act of 2009.

“(E) **TERMINATION OF FUND.**—

“(i) **IN GENERAL.**—The Fund shall terminate on the date on which the Secretary determines that the costs of carrying out the National Energy Security Act of 2009 have been repaid.

“(ii) **TRANSFER.**—On termination of the Fund under clause (i), the remaining balance in the Fund shall be transferred to the appropriate fund of the Treasury.”

PART II—OTHER FOSSIL RESOURCES

SEC. 371. AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES.

(a) **DEFINITION.**—In this section, the term “United States person” means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

(b) **AUTHORIZATION.**—Notwithstanding any other provision of law (including a regulation), United States persons (including agents and affiliates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

SEC. 372. TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by adding at the end the following:

“(c) **GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.**—

“(1) **IN GENERAL.**—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from, or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States’ Exclusive Economic Zone.

“(2) **PERSONS AUTHORIZED.**—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.”

SEC. 373. ALASKA OCS JOINT LEASE AND PERMITTING PROCESSING OFFICE.

(a) **ESTABLISHMENT.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a regional joint Outer Continental Shelf lease and permit processing office for the Alaska Outer Continental Shelf region.

(b) **MEMORANDUM OF UNDERSTANDING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for the purposes of carrying out this section with—

(1) the Secretary of Commerce;

(2) the Chief of Engineers;
 (3) the Administrator of the Environmental Protection Agency; and

(4) any other Federal agency that may have a role in permitting activities.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), each Federal signatory party shall, if appropriate, assign to the office described in subsection (a) an employee who has expertise in the regulatory issues administered by the office in which the employee is employed relating to leasing and the permitting of oil and gas activities on the Outer Continental Shelf.

(2) DUTIES.—An employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the office described in subsection (a);

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the team of personnel working on proposed oil and gas leasing and permitting, including planning and environmental analyses.

SEC. 374. ALASKA NATURAL GAS PIPELINE.

Section 116(c)(2) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n(c)(2)) is amended by striking “\$18,000,000,000” and inserting “\$30,000,000,000”.

TITLE II—CLEAN ENERGY TECHNOLOGY WORKFORCE DEVELOPMENT

SEC. 401. CLEAN ENERGY TECHNOLOGY WORKFORCE.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall award competitive, merit-based grants to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) for the establishment of programs providing training and education for vocational workforce development through centers of excellence for a broad range of clean energy sector needs in the clean energy technology workforce of the United States, as determined by the Secretary.

(2) OTHER INSTITUTIONS.—In carrying out this subsection, the Secretary shall accept proposals for centers from institutions of higher education that have or are prepared to develop a meaningful curriculum and program described in paragraph (1).

(b) NATIONAL MERIT SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a national merit scholarship program that provides scholarships each fiscal year for at least 1,000 undergraduate and 500 graduate students that are studying engineering, geosciences, and other energy-related fields.

(2) ELIGIBILITY.—To be eligible to obtain a scholarship under this subsection, a student shall be enrolled in a program offered by an institution of higher education that provides training and education for a clean energy workforce described in subsection (a)(1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

DIVISION C—GLOBAL RISK MANAGEMENT

SEC. 501. SENSE OF CONGRESS ON GEOPOLITICAL CONSEQUENCES OF OIL DEPENDENCE.

(a) FINDINGS.—Congress finds that—

(1) it is imperative to the national security, economic prosperity, and environmental integrity of the United States to have reliable, diverse, and affordable energy supplies;

(2)(A) the United States faces a multifaceted and growing threat to energy security;

(B) State-owned energy companies, especially those of adversarial governments, are using the energy supplies of the companies as leverage to promote foreign policies of states; and

(C) politically motivated domestic groups, pirates, and terrorists further present an increasing risk to critical energy infrastructure and key corridors of international energy supplies;

(3) efforts to develop a long-term energy policy for the United States is partially hindered by the lack of consistent and accurate information on world energy reserves;

(4) the United States should develop short-term policies and strategies that—

(A) protect key energy infrastructure;

(B) secure critical geographic transit routes; and

(C) mitigate political instability from energy suppliers;

(5) over the long-term, the United States should focus national security organizations on obtaining better information on world reserves of energy and strengthening relationships with certain key nations;

(6) addressing the challenge of energy security now and in the future will require the United States to use all instruments of national power, including the military, diplomatic, and intelligence services; and

(7) the United States should make it a priority to engage key developing nations such as China and India on fossil fuel use in order to address global energy security and climate change challenges.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) sufficient resources should be provided to United States national security agencies to enable the agencies to protect tankers and other vessels, critical infrastructure, and supply routes;

(2) the President should work with Congress—

(A) to coordinate efforts between the Department of State and the Department of Justice to bolster programs to train national police and domestic security forces tasked with defending energy infrastructure in key countries;

(B) to promote initiatives by the Department of State and the Department of Defense—

(i) to provide allied nations with the technical expertise to minimize the consequences of an infrastructure accident or attack;

(ii) to engage the North Atlantic Treaty Organization (NATO) and other allies in negotiations on creating a security architecture to protect the strategic terrain; and

(iii) to work with the Coast Guard to strengthen the capacity of local, national, and regional maritime security forces;

(C) to mobilize the Department of Defense and the Department of Energy, in conjunction with the intelligence community, to conduct detailed scenario planning exercises on the repercussions of attacks on critical energy infrastructure; and

(D)(i) to authorize the Department of State to provide the President with diplomatic options, including the imposition of sanctions, for addressing states that use energy as a political weapon; and

(ii) to improve the capacity of the Department of State to provide diplomatic support to resolve conflicts that impact the energy security of the United States; and

(3) the intelligence community should be given an integral role in bolstering United States national energy security interests by—

(A) completing a comprehensive national intelligence estimate on energy security that assesses the most vulnerable aspects of critical energy infrastructure and the future stability of major energy suppliers;

(B) improving warning time to prevent attacks on key energy infrastructure;

(C) expanding the collection of intelligence on national energy companies and the energy reserves of those companies; and

(D) bolstering collection and analysis of potential strategic conflicts that could disrupt key energy supplies.

SEC. 502. STUDY OF FOREIGN FUEL SUBSIDIES.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study of foreign fuel subsidies, including—

(1) the impact of the subsidies on global energy supplies, global energy demand, and global economic impacts; and

(2) recommendations on actions that should be taken to reduce the impact of the subsidies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the results of the study conducted under this section, including any recommendations.

By Mr. BROWN (for himself, Ms. SNOWE, and Mrs. MURRAY):

S. 777. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, Senator SNOWE of Maine, Senator MURRAY of Washington, and I are introducing a workforce development bill—the Strengthening Employment Clusters to Organize Regional Success, or SECTORS Act.

Over the last 2 years, I have held more than 130 roundtable discussions in communities all over Ohio.

One of the themes that has recurred in the roundtables—from workers and employers, business and labor, teachers and professors—is that we need to do a better job connecting workers with the middle and high skills needed for careers that are growing in Ohio.

Today, Ohio has an unemployment rate of 9.4 percent higher than the national average. As many in this chamber are aware, older workers have been hit hard by the economic downturn. The Urban Institute reported that job loss for older workers is at a 31-year high.

Over the past eight years, Ohio lost more than 230,000 manufacturing jobs—a 24 percent drop of employment in a sector so vital to Ohio's economy.

That said, employers throughout the State talk about jobs gone begging, and not being able to fill middle and high skilled positions. There are open jobs in high-tech, healthcare, and even manufacturing that are going unfilled.

A recent report by labor economists Harry Holzer and Robert Lerman found that substantial demand remains in today's labor market for skilled workers. This is particularly true for “middle-skill” jobs that require more than a high school degree but less than a four-year college degree. These jobs make up nearly half of America's labor market and provide good compensation for workers.

Congress needs to focus on skills training now more than ever.

The approach Senator SNOWE, Senator MURRAY, and I take in this bill is to organize training around industry clusters.

Silicon Valley, the Research Triangle in North Carolina, Route 128 around Boston—these are examples of clusters. But, it is not just high tech jobs either.

Think of tourism in Florida, or insurance in Connecticut, or food packaging in Pennsylvania. These are successful clusters that build around a skilled labor force.

The Ohio Workforce Board has compiled great information about emerging industries and skills programs needed to see people fill these jobs.

Ohio Governor Ted Strickland and Chancellor Eric Fingerhut are giving workforce training a high priority.

This bill provides incentives to employers, labor, educators, and workforce investment boards to model the best skills training approaches happening in Ohio and around the country.

The SECTORS Act focuses on targeted training, with multiple stakeholders in the same industry. The bill right now requires four principal stakeholders to be part of a training program: industry, labor unions, workforce investment boards, and community colleges.

It encourages official economic development organizations, where appropriate, to be partners.

We want to build in a process that makes a training program sustainable and not just a one-time infusion of money. With that in mind, our bill contains a matching funds requirement.

The legislation builds in rigorous evaluation so lawmakers and policymakers know how tax dollars are being spent, something that has not been the cause under President Bush's Department of Labor's training initiatives.

The Government Accountability Office found in May 2008 that the Labor Department's demand-driven workforce training programs have often been awarded through a non-competitive process, and have lacked accountability and evaluation so that Americans know how their tax dollars are being spent.

We need to break clean from this approach.

I plan to work with Senator SNOWE, Senator MURRAY, and colleagues in both chambers to authorize an industry sector skills training program that builds in accountability and sustainability, and helps workers and businesses thrive in Ohio, Maine, Washington, and throughout the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Employment Clusters to Organize Regional Success Act of 2009” or the “SECTORS Act of 2009”.

SEC. 2. INDUSTRY OR SECTOR PARTNERSHIP GRANT.

Subtitle D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2911 et seq.) is amended by inserting after section 173A the following:

“SEC. 173B. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM.

“(a) PURPOSE.—It is the purpose of this section to create designated capacity to promote industry or sector partnerships that lead collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed in a targeted industry cluster, in order to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in targeted industry clusters. The activities carried out by the partnerships may include the development of—

“(1) immediate strategies for regions and communities to fulfill pressing skilled workforce needs;

“(2) long-term plans to grow targeted industry clusters with better training and a more productive workforce;

“(3) core competencies and competitive advantages for regions and communities undergoing structural economic redevelopment; and

“(4) skill standards, career ladders, job redefinitions, employer practices, and shared training and support capacities for the targeted industry cluster that facilitate the advancement of workers at all skill levels.

“(b) DEFINITIONS.—In this section:

“(1) CAREER LADDER.—The term ‘career ladder’ means an identified series of positions, work experiences, and educational benchmarks or credentials that offer occupational and financial advancement within a specified career field or related fields over time.

“(2) ECONOMIC SELF-SUFFICIENCY.—The term ‘economic self-sufficiency’ means, with respect to a worker, earning a wage sufficient to support a family adequately over time, based on factors such as—

“(A) family size;

“(B) the number and ages of children in the family;

“(C) the cost of living in the worker's community; and

“(D) other factors that may vary by region.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an industry or sector partnership; or

“(B) an eligible State agency.

“(4) ELIGIBLE STATE AGENCY.—The term ‘eligible State agency’ means a State agency designated by the Governor of the State for the purposes of the grant program under this section.

“(5) HIGH-PRIORITY OCCUPATION.—The term ‘high-priority occupation’ means an occupation that—

“(A) has a significant presence in an industry cluster;

“(B) is in demand by employers;

“(C) pays family-sustaining wages that enable workers to achieve economic self-sufficiency, or can reasonably be expected to lead to such wages;

“(D) has a documented career ladder; and

“(E) has a significant impact on a region's economic development strategy.

“(6) INDUSTRY CLUSTER.—The term ‘industry cluster’ means a concentration of interconnected businesses, suppliers, research and development entities, education and training

providers, and associated institutions in a particular field that are linked by common workforce needs.

“(7) INDUSTRY OR SECTOR PARTNERSHIP.—The term ‘industry or sector partnership’ means a workforce collaborative that—

“(A) organizes key stakeholders in a targeted industry cluster into a working group that focuses on the shared goals and human resources needs of a targeted industry cluster and that includes, at the appropriate stage of development of the partnership—

“(i) representatives (including workers) of multiple firms or employers in a targeted industry cluster, including small- and medium-sized employers when practicable;

“(ii) 1 or more representatives of a recognized State labor organization or central labor council, or other labor representatives as determined appropriate by the Secretary;

“(iii) 1 or more representatives of a local board;

“(iv) 1 or more representatives of a post-secondary educational institution or other training provider; and

“(v) 1 or more representatives of a State workforce agency or other entity providing employment services; and

“(B) may include representatives of—

“(i) State or local government;

“(ii) State or local economic development agencies;

“(iii) other State or local agencies;

“(iv) business or trade associations;

“(v) official economic development organizations;

“(vi) community-based organizations;

“(vii) philanthropic organizations;

“(viii) industry associations; and

“(ix) other organizations, as determined necessary by the members comprising the industry or sector partnership.

“(8) TARGETED INDUSTRY CLUSTER.—The term ‘targeted industry cluster’ means an industry cluster that has—

“(A) significant current or potential economic impact in a local or regional area;

“(B) immediate workforce development needs; and

“(C) documented opportunities for career advancement.

“(c) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From amounts appropriated under subsection (i), the Secretary shall award, on a competitive basis, planning grants described in paragraph (3) and implementation grants described in paragraph (4) to eligible entities, to enable the eligible entities to plan and implement, respectively, the eligible entities' strategic objectives in accordance with subsection (f).

“(2) MAXIMUM AMOUNT.—

“(A) PLANNING GRANTS.—A planning grant awarded under paragraph (3) shall not exceed \$250,000.

“(B) IMPLEMENTATION GRANTS.—An implementation grant awarded under paragraph (4)(A) shall not exceed a total of \$2,500,000 for a 3-year period.

“(C) RENEWAL GRANTS.—A renewal grant awarded under paragraph (4)(C) shall not exceed a total of \$1,500,000 for a 3-year period.

“(3) PLANNING GRANTS.—

“(A) IN GENERAL.—The Secretary may award a planning grant under this section to an eligible entity that—

“(i) is a newly formed industry or sector partnership; and

“(ii) has not received a grant under this section.

“(B) DURATION.—A planning grant shall be for a duration of 1 year.

“(4) IMPLEMENTATION GRANTS.—

“(A) IN GENERAL.—The Secretary may award an implementation grant under this section to—

“(i) an eligible entity that has already received a planning grant under this section; or

“(ii) an eligible entity that is an established industry or sector partnership.

“(B) DURATION.—An implementation grant shall be for a duration of not more than 3 years, and may be renewed in accordance with subparagraph (C).

“(C) RENEWAL.—The Secretary may renew an implementation grant for not more than 3 years. A renewal of such grant shall be subject to the requirements of this section, except that the Secretary shall—

“(i) prioritize renewals to eligible entities that can demonstrate the long-term sustainability of an industry or sector partnership funded under this section;

“(ii) as a condition of renewing the grant, and notwithstanding subparagraph (D), decrease the amount of the Federal share and increase the amount of the non-Federal share required for the grant, which must include at least a 25 percent cash match from the State, the industry cluster, or some combination thereof; and

“(iii) require assurances that the eligible entity will leverage, each year, additional funding sources in accordance with subparagraph (D)(ii) than the eligible entity provided for the preceding year of the grant.

“(D) FEDERAL AND NON-FEDERAL SHARE.—

“(i) FEDERAL SHARE.—Except as provided in subparagraph (C)(ii), the Federal share of an implementation grant under this section shall be—

“(I) 90 percent of the costs of the activities described in subsection (f), in the first year of the grant;

“(II) 80 percent of such costs in the second year of the grant; and

“(III) 70 percent of such costs in the third year of the grant.

“(ii) NON-FEDERAL.—The non-Federal share of an implementation grant under this section may be in cash or in-kind, and may come from State, local, philanthropic, private, or other sources.

“(5) FISCAL AGENT.—Each eligible entity receiving a grant under this section that is an industry or sector partnership shall designate an entity in the partnership as the fiscal agent for purposes of this grant.

“(6) USE OF GRANT FUNDS DURING GRANT PERIODS.—An eligible entity receiving grant funds under a planning grant, implementation grant, or a renewal grant under this section shall expend grant funds or obligate grant funds to be expended by the last day of the grant period.

“(d) APPLICATION PROCESS.—

“(1) IDENTIFICATION OF A TARGETED INDUSTRY CLUSTER.—In order to qualify for a grant under this section, an eligible entity shall identify a targeted industry cluster that could benefit from such grant by—

“(A) working with businesses, industry associations and organizations, labor organizations, State boards, local boards, economic development agencies, and other organizations that the eligible entity determines necessary, to identify an appropriate targeted industry cluster based on criteria that include, at a minimum—

“(i) data showing the competitiveness of the industry cluster;

“(ii) the importance of the industry cluster to the economic growth of the area served by the eligible entity;

“(iii) the identification of supply and distribution chains within the industry cluster; and

“(iv) research studies on industry clusters; and

“(B) working with appropriate employment agencies, local boards, economic development agencies, community organizations, and other organizations that the eligible en-

tity determines necessary, to ensure that the targeted industry cluster identified under subparagraph (A) should be targeted for investment, based primarily on the following criteria:

“(i) Demonstrated demand for job growth.

“(ii) Measurable evidence of competitive-

ness.

“(iii) Employment base.

“(iv) Wages and benefits.

“(v) Demonstrated importance of the targeted industry cluster to the area's economy.

“(vi) Workforce development needs of the area surrounding the targeted industry cluster.

“(2) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An application submitted under this paragraph shall contain, at a minimum, the following:

“(A) A description of the eligible entity, evidence of the eligible entity's capacity to carry out activities in support of the strategic objectives identified in the application under subparagraph (D), and, if the eligible entity is an industry or sector partnership, a description of the expected participation and responsibilities of each of the mandatory partners described in subsection (b)(8)(A).

“(B) A description of the targeted industry cluster for which the eligible entity intends to carry out activities through a grant under this section, and a description of how such targeted industry cluster was identified in accordance with paragraph (1).

“(C) A description of the workers that will be targeted or recruited by the partnership, including an analysis of the existing labor market, a description of potential barriers to employment for targeted workers, and a description of strategies that will be employed to help workers overcome such barriers.

“(D) A description of the strategic objectives that the eligible entity intends to carry out for the targeted industry cluster, which objectives shall include—

“(i) recruiting key stakeholders in the targeted industry cluster, such as businesses and employers, labor organizations, industry associations, local boards, State boards, and education and training providers, and regularly convening the stakeholders in a collaborative structure that supports the sharing of information, ideas, and challenges common to the targeted industry cluster;

“(ii) identifying the shared training needs of multiple businesses, especially skill gaps critical to competitiveness and innovation in the targeted industry cluster;

“(iii) facilitating economies of scale by aggregating training and education needs of multiple employers in the targeted industry cluster;

“(iv) helping postsecondary educational institutions, training institutions, and registered apprenticeship programs align curricula, entrance requirements, and programs to industry demand, particularly for higher skill, high-priority occupations validated by the industry;

“(v) ensuring that the State agency carrying out the State program under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), including staff of the agency that provide services under such Act, shall inform recipients of unemployment insurance and trade adjustment assistance under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2401 et seq.) of the job and training opportunities that may result from the implementation of this grant;

“(vi) informing and collaborating with organizations such as youth councils, business-education partnerships, registered appren-

ticeship programs, secondary schools, and postsecondary educational institutions, and with parents and career counselors, for the purpose of addressing the challenges of connecting disadvantaged adults, as defined in section 132(b)(1)(B)(v), and disadvantaged youth, as defined in section 127(b)(2), to careers;

“(vii) helping companies in the targeted industry cluster identify, and work together to address, common organizational and human resources challenges, such as—

“(I) recruiting new workers;

“(II) developing and implementing effective workplace practices;

“(III) retaining dislocated and incumbent workers;

“(IV) implementing a high-performance work organization;

“(V) recruiting and retaining women in nontraditional occupations;

“(VI) adopting new technologies; and

“(VII) fostering experiential and contextualized on-the-job learning;

“(viii) developing and strengthening career ladders within and across companies (in cooperation with labor organizations if the labor organizations represent employees engaged in similar work in the industry cluster), in order to enable dislocated, incumbent and entry-level workers to improve skills and advance to higher-wage jobs;

“(ix) improving job quality through improving wages, benefits, and working conditions;

“(x) helping partner companies in industry or sector partnerships to attract potential employees from a diverse job seeker base, including individuals with barriers to employment (such as job seekers who are low-income, youth, older workers, or individuals who have completed a term of imprisonment), by identifying such barriers through analysis of the existing labor market and implementing strategies to help such workers overcome such barriers; and

“(xi) strengthening connections among businesses in the targeted industry cluster, leading to cooperation beyond workforce issues that will improve competitiveness and job quality, such as joint purchasing, market research, or centers for technology and innovation.

“(E) A description of the manner in which the eligible entity intends to make sustainable progress toward the strategic objectives described in subparagraph (D).

“(F) Performance measures, including quantifiable interim performance benchmarks, for measuring progress toward the strategic objectives. Such measures shall consider, at a minimum, the benefits provided by the grant activities funded under this section for—

“(i) workers employed in the targeted industry cluster, disaggregated by gender and race, including—

“(I) the number of workers receiving portable industry-recognized credentials;

“(II) the number of workers with increased wages, the percentage of workers with increased wages, and the average wage increase; and

“(III) for dislocated or nonincumbent workers, the number of workers placed in sector-related jobs; and

“(ii) firms and industries in the targeted industry cluster, including—

“(I) the creation or updating of an industry plan to meet current and future workforce demand;

“(II) the creation or updating of published industry-wide skill standards or career pathways;

“(III) the creation or updating of portable, industry-recognized credentials, or where there is not such a credential, the creation or updating of a training curriculum that

can lead to the development of such a credential;

“(IV) in the case of an eligible entity that is an industry or sector partnership, the number of firms, and the percentage of the local industry, participating in the industry or sector partnership; and

“(V) the number of firms, and the percentage of the local industry, receiving workers or services through the grant funded under this section.

“(G) A timeline for achieving progress toward the strategic objectives.

“(H) In the case of an eligible entity desiring an implementation grant under this section, an assurance that the eligible entity will leverage other funding sources, in addition to the amount required for the non-Federal share under subsection (c)(4)(D), to provide training or supportive services to workers under the grant program. Such additional funding sources may include—

“(i) funding under this title used for such training and supportive services;

“(ii) funding under the Adult Education and Family Literacy Act of 1998 (20 U.S.C. 9201 et seq.);

“(iii) funding under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

“(iv) economic development funding;

“(v) employer contributions to training initiatives; or

“(vi) providing employees with employee release time for such training or supportive services.

“(e) AWARD BASIS.—

“(1) GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this section in a manner to ensure geographic diversity.

“(2) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

“(A) work with employers within a targeted industry cluster to retain and expand employment in high wage, high growth areas;

“(B) focus on helping workers move toward economic self-sufficiency and ensuring the workers have access to adequate supportive services;

“(C) address the needs of firms with limited human resources or in-house training capacity, including small- and medium-sized firms; and

“(D) coordinate with entities carrying out—

“(i) State and local workforce investment activities, including the one-stop delivery system;

“(ii) adult secondary education, career and technical education, and postsecondary education; and

“(iii) economic development activities.

“(f) ACTIVITIES.—

“(1) IN GENERAL.—An eligible entity receiving a grant under this section shall carry out the activities necessary to meet the strategic objectives described in the entity's application in a manner that—

“(A) integrates services and funding sources in a way that enhances the effectiveness of the activities; and

“(B) uses grant funds awarded under this section efficiently.

“(2) ADMINISTRATIVE COSTS.—An eligible entity may retain a portion of a grant awarded under this section for a fiscal year to carry out the administration of this section in an amount not to exceed 10 percent of the grant amount.

“(g) EVALUATION AND PROGRESS REPORTS.—

“(1) ANNUAL ACTIVITY REPORT AND EVALUATION.—Not later than 1 year after receiving a grant under this section, and annually thereafter for the duration of the grant, an eligible entity shall—

“(A) report to the Secretary, and to the Governor of the State that the eligible entity serves, on the activities funded pursuant to a grant under this section; and

“(B) evaluate the progress the eligible entity has made toward the strategic objectives identified in the application under subsection (d)(2)(D), and measure the progress using the performance measures identified in the application under subsection (d)(2)(F).

“(2) REPORT TO THE SECRETARY.—An eligible entity receiving a grant under this section shall submit to the Secretary a report containing the results of the evaluation described in paragraph (1)(B) at such time and in such manner as the Secretary may require.

“(h) ADMINISTRATION BY THE SECRETARY.—

“(1) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 10 percent of the funds appropriated pursuant to the authorization of appropriations under subsection (i) for each fiscal year to administer this section.

“(2) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall provide technical assistance and oversight to assist the eligible State and local agencies or eligible entities in applying for and administering grants awarded under this section. The Secretary shall also provide technical assistance to eligible entities in the form of conferences and through the collection and dissemination of information on best practices developed by eligible partnerships. The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of industry cluster partnerships.

“(3) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible entities may use to evaluate the effectiveness of each type of activity in making progress toward the strategic objectives described in subsection (d)(2)(D). Such measures shall consider the benefits of the industry or sector partnership and its activities for workers, firms, industries, and communities.

“(4) DISSEMINATION OF INFORMATION.—The Secretary shall—

“(A) coordinate the annual review of each eligible entity receiving a grant under this section and produce an overview report that, at a minimum, includes—

“(i) the critical learning of each industry or sector partnership, such as—

“(I) the training that was most effective;

“(II) the human resource challenges that were most common;

“(III) how technology is changing the targeted industry cluster; and

“(IV) the changes that may impact the targeted industry cluster over the next 5 years; and

“(ii) a description of what eligible entities serving similar targeted industry clusters consider exemplary practices, such as—

“(I) how to work effectively with postsecondary educational institutions;

“(II) the use of internships;

“(III) coordinating with apprenticeships and cooperative education programs;

“(IV) how to work effectively with schools providing vocational education;

“(V) how to work effectively with adult populations, including—

“(aa) dislocated workers;

“(bb) women in nontraditional occupations; and

“(cc) individuals with barriers to employment, such as job seekers who—

“(AA) are economically disadvantaged;

“(BB) have limited English proficiency;

“(CC) require remedial education;

“(DD) are older workers;

“(EE) are individuals with disabilities;

“(FF) are veterans;

“(GG) are individuals who have completed a sentence for a criminal offense; and

“(HH) have other barriers to employment;

“(VI) employer practices that are most effective;

“(VII) the types of training that are most effective; and

“(VIII) other areas where industry or sector partnerships can assist each other;

“(B) make resource materials, including all reports published and all data collected under this section, available on the Internet; and

“(C) conduct conferences and seminars to—

“(i) disseminate information on best practices developed by eligible entities receiving a grant under this section; and

“(ii) provide information to the communities of eligible entities.

“(5) REPORT.—Not later than 18 months after the date of enactment of the Strengthening Employment Clusters to Organize Regional Success Act of 2009, and annually thereafter, the Secretary shall transmit a report to Congress on the industry or sector partnership grant program established by this section. The report shall include a description of—

“(A) the eligible entities receiving funding;

“(B) the activities carried out by the eligible entities;

“(C) how the eligible entities were selected to receive funding under this section; and

“(D) an assessment of the results achieved by the grant program including findings from the annual reviews described in paragraph (4)(A).

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and for each succeeding fiscal year.

“(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) for the fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were first appropriated.”

SEC. 3. FEDERAL AGENCY COORDINATION.

(a) INTERAGENCY COOPERATION.—The head of each Federal department or agency whose funding, regulations, or other policies impact workers shall cooperate with the Secretary of Labor to—

(1) maintain up-to-date information on jobs, wages, benefits, skills, and careers of workers impacted by the actions of such agency or department;

(2) develop and implement policies that would improve the jobs and careers of workers impacted by the actions of such agency or department; and

(3) report the department or agency's job creation and economic development strategies to the Secretary.

(b) ALIGNMENT.—Notwithstanding any other provision of law, the Secretary and the heads of other Federal departments or agencies shall work together to align existing education and training programs with the demonstrated needs of industry or sector partnerships, as defined in section 173B(b) of the Workforce Investment Act. These collaborative efforts shall include the following:

(1) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall advise the Secretary of Labor of the Department of Commerce's workforce and economic development strategies, programs, and initiatives.

(2) JUSTICE DEPARTMENT.—The Attorney General shall—

(A) align federally funded programs offering training for inmates with industry clusters (as defined in section 173B(b) of the

Workforce Investment Act) and high-priority occupations, and annually review these training programs to assure that the training programs prepare individuals for high-priority occupations; and

(B) align federally funded reentry programs to take advantage of information and career opportunities provided by industry and sector partnerships.

(3) DEPARTMENT OF EDUCATION.—The Secretary of Education shall—

(A) develop and support career ladders for high-priority occupations critical to targeted industry clusters served by a grant under section 173B of the Workforce Investment Act;

(B) develop and support innovative programs to address literacy (including English as a second language) and numeracy shortcomings, especially in those occupations critical to such targeted industry clusters;

(C) develop and support programs and strategies to reduce barriers to adult education;

(D) develop and support career education initiatives in middle and high schools; and

(E) support initiatives to develop industry-recognized credentials and new credit-bearing programs in public and private postsecondary educational institutions, especially in occupations critical to such targeted industry clusters.

(4) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall—

(A) develop and support innovative programs that connect qualified individuals receiving assistance under the State temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with employment opportunities in the targeted industry clusters served by a grant under section 173B of the Workforce Investment Act;

(B) develop and support strategies to prepare individuals receiving assistance under the State temporary assistance for needy families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for success in postsecondary education and training programs; and

(C) develop and support career education initiatives that provide such individuals with information to guide the clients' education and training plans.

Ms. SNOWE. Mr. President, I rise today in support of the Selecting Employment Clusters to Organize Regional Success, SECTORS, Act which Senators BROWN and I are introducing. This legislation would amend the Workforce Investment Act of 1998 to establish a new industry or sector partnership grant program administered by the Department of Labor.

The SECTORS Act provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions—in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful eco-

nomic development initiatives throughout the country. Unfortunately, current Federal policy does not provide sufficient support for these critical ventures.

As Co-Chair of the bipartisan Senate Task Force on Manufacturing, one of my key goals is to ensure that manufacturers have access to a capable workforce. Unfortunately, manufacturers across the country have raised significant concerns about whether the next generation of workers is being trained to meet the needs of an increasingly high-tech workplace.

In fact, in my home State of Maine, the manufacturing sector has shed an alarming 23,600 jobs in the past 10 years; nearly 30 percent of the State's manufacturing employment. It is thereby critical that we as a Nation provide unemployed manufacturing workers the training needed to excel as our manufacturing sector becomes increasingly technical. This legislation provides a crucial link between establishing worker training programs and fostering new employment opportunities for those who have been affected by the manufacturing industry's decline. By promoting this innovative partnership we will take a crucial step toward rejuvenating our economy.

Throughout the country, sector partnerships are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation.

By Mr. NELSON, of Florida (for himself, Mr. CORNYN, Mr. MARTINEZ, and Mr. DODD):

S. 780 bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a bill, the U.S.-Paraguay Partnership Act of 2009, to add Paraguay as a beneficiary under the Andean Trade Promotion and Drug Eradication Act.

I want to thank my colleague on the Finance Committee, Senator JOHN CORNYN, for joining me in sponsoring

this legislation. I understand a companion bill is being introduced in the House today as well by Representatives ENGEL and BURTON.

Paraguay, located in the important Tri-Border region of South America, shares borders with Brazil, Bolivia, and Argentina. Paraguay is one of the poorest nations in the Western Hemisphere, with 30 percent of its population surviving on less than \$2 a day. In 2007, U.S. exports to Paraguay exceeded \$1.2 billion, while Paraguayan imports to the U.S. totaled just \$68 million. Florida has historically served as a key source and transit point for U.S. two-way trade with Paraguay and will likely benefit from increased economic links between our two countries. Florida's deep-water ports serve as the main shipping points for goods coming from or going to Latin America. In addition, Paraguay, a major drug transit hub, has been a reliable U.S. partner for many years in our counternarcotics and counterterrorism efforts in the region. Nevertheless, we have neglected to include Paraguay in the important Andean trade program.

I believe that Paraguay is deserving of inclusion in this program.

The Andean Trade Promotion and Drug Eradication Act is a preference program that was established in 1991 and reauthorized with the drug cooperation element in 2002. It currently grants duty-free access to a range of exports from four Andean countries including Colombia, Ecuador, Peru, and Bolivia. This bill will add Paraguay as the fifth beneficiary country of this program, which will help connect Paraguay to the U.S. market and foster closer cooperation on a range of important anti-drug trafficking and national security issues. Currently, Paraguayan products are not competitive in U.S. markets because they are subject to higher tariffs than other Latin American and Caribbean countries that ship these same items duty-free to the U.S.

You may recall that the very first Summit of the Americas was held in 1994 in Miami, FL, where delegates discussed trade, combating drugs, and promotion of democracy. The new administration and our international partners will continue to grapple with these vital issues at the 5th Summit of the Americas, which will take place in Trinidad from April 17 to 19.

President Obama, who will be leading the U.S. delegation to the Summit in Trinidad, has said that we must work to develop a "partnership based on respect that the people of Latin America are looking for and that will be beneficial to the United States."

The upcoming Summit of the Americas is dedicated to promoting prosperity and democracy in the Western Hemisphere. Surely, the thirty-four democratically elected heads of state who will be in attendance in Trinidad must focus on the situation of poverty-stricken countries such as Paraguay and Haiti. The election of President Fernando Lugo of Paraguay in May

2008 marked the democratic transfer of power in Paraguay after six decades of uninterrupted rule by the Colorado Party. It is in America's interest to support democracy and economic prosperity throughout the Hemisphere and I believe that adding Paraguay to this trade program is a positive step in that direction. The proud Paraguayan-American citizens of Florida and of other States, who have made important contributions to American society, will no doubt support this move.

In the spirit of the Summit of the Americas, we should strengthen our relationship with Latin America as a whole. We should continue to support representative democracy and expand prosperity in the Hemisphere. Therefore, I urge the Senate to include Paraguay in the Andean Trade Preference Act, a decision that will benefit both our countries as trade expands. Together with the other nations of the Western Hemisphere, we must strive to find common solutions to common problems, given the tremendous challenges we face today.

Mr. CORNYN. Mr. President, I rise to speak in favor of the U.S.-Paraguay Partnership Act of 2009. I introduced this legislation earlier today along with my colleague from the Finance Committee, Senator BILL NELSON of Florida.

This legislation will do two things; it will reduce trade barriers between the U.S., and Paraguay and it will encourage continued bi-national security cooperation. Paraguay is a friendly ally in Latin America, and it is beneficial to support and empower our allies in this sometimes-hostile region of the Americas.

The U.S.-Paraguay Partnership Act will add Paraguay to our Nation's existing trade pact with four countries in the Andean region of Latin America. The Andean Trade Promotion and Drug Enforcement Act, ATPDEA, enacted in 2002, is an economic tool that provides incentives for Andean nations to grow and manufacture legitimate products in order to reduce the grip of illegal drug cultivation and trafficking.

The ATPDEA has helped reduce the flow of narcotics from Peru, Colombia, and Ecuador since its enactment. In addition to the illegal drug eradication function, the accord also fostered much greater economic cooperation between the Andean region and the U.S. Moreover, the two free trade agreements President George W. Bush negotiated and signed with Peru and Colombia were borne out of the cooperation developed by the Andean trade accord.

Paraguay is an important ally in U.S. counternarcotics efforts and is helping crackdown on terrorist financing activities in its region. The government of Paraguay recognizes the value in developing its economy by promoting legitimate alternatives to narcotics cultivation and trade. Our bi-national eradication strategy is working, and this bill will provide economic incentives to continue the fight against narco-terrorism from the ground up.

The ATPDEA is a temporary trade preferences law and is due for reconsideration later this year. I encourage my colleagues to seriously consider the merits of adding Paraguay as a beneficiary country when the ATPDEA is reauthorized. It is time to extend the benefits of the ATPDEA to the nation of Paraguay.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 97—DESIGNATING JUNE 1, 2009, AS “COLLECTOR CAR APPRECIATION DAY” AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. TESTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 97

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of this Nation's heritage by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

Resolved, That the Senate—

(1) designates June 1, 2009, as “Collector Car Appreciation Day”;

(2) encourages the Department of Education, the Department of Transportation, and other Federal agencies to work in collaboration with the community of car collectors in the United States to support events and commemorations of “Collector Car Appreciation Day”, including exhibitions and educational and cultural activities for young people; and

(3) encourages the people of the United States to engage in events and commemorations of “Collector Car Appreciation Day” that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

SENATE CONCURRENT RESOLUTION 16—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT OF THE UNITED STATES SHOULD EXERCISE HIS CONSTITUTIONAL AUTHORITY TO PARDON POSTHUMOUSLY JOHN ARTHUR “JACK” JOHNSON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. McCain submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 16

Whereas John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting white and African American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 white champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning white titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African American to hold the title of Heavyweight Champion of the World;

Whereas, the victory by Jack Johnson over Tommy Burns prompted a search for a white boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”;

Whereas, in 1910, a white former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”;

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African Americans, and the racially-motivated murder of African Americans nationwide;

Whereas the relationships of Jack Johnson with white women compounded the resentment felt toward him by many whites;

Whereas, between 1901 and 1910, 754 African Americans were lynched, some for simply for being “too familiar” with white women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the “White Slave Traffic Act” or the “Mann Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”;

Whereas, in October 1912, Jack Johnson became involved with a white woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman

refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas, Federal authorities persisted and summoned a white woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of "prostitution and debauchery";

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate that—

(1) John Arthur "Jack" Johnson paved the way for African American athletes to participate and succeed in racially integrated professional sports in the United States;

(2) Jack Johnson was wronged by a racially motivated conviction prompted by his success in the boxing ring and his relationship with white women;

(3) the criminal conviction of Jack Johnson unjustly ruined his career and destroyed his reputation; and

(4) the President of the United States should grant a pardon to Jack Johnson posthumously—

(A) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(B) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. MCCAIN. Mr. President, today I am pleased to introduce a resolution to pardon posthumously the world's first African-American heavyweight champion, John Arthur "Jack" Johnson. This resolution expresses the sense of the Senate that the President should exercise his constitutional authority to pardon Jack Johnson posthumously.

For my colleagues who may not be familiar with the plight of Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. Arthur John Johnson was born March 31, 1878, in Galveston, TX, to parents who were former slaves. At an early age he realized his talent for the sweet science. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly on purely racial grounds a chance to fight for the world heavyweight title. For too long, African-American fighters were not seen as legitimate contenders

for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns. Johnson handily defeated Burns to become the first African-American heavyweight champion.

Mr. Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that his continued dominance in the ring would somehow disrupt what was then perceived by many as a "racial order." So as history tells us, a search for a Caucasian boxer who could defeat Johnson began a recruitment effort that was dubbed the search for the "Great White Hope." That hope arrived in the person of former champion, Jim Jeffries, who returned from retirement to fight Johnson in 1910. But when Johnson defeated Jeffries, race riots broke out as many sought to avenge the loss.

Following the defeat of the "Great White Hope," the Federal Government launched an investigation into the legality of Johnson's relationships with Caucasian women. The Mann Act, which was enacted in 1910, outlawed the transport of Caucasian women across State lines for the purpose of prostitution or debauchery, or for "any other immoral purpose." Using the "any other immoral purpose" clause as a pretext, Federal law enforcement officials set out to "get" Johnson. On October 18, 1912, he was arrested for transporting his Caucasian girlfriend across State lines in violation of the act. However, the charges were dropped when the Caucasian, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Johnson.

Yet Federal authorities persisted in their persecution of Johnson, persuading a former Caucasian girlfriend of Johnson's to testify that he had transported her across State lines. Her testimony resulted in Johnson's conviction in 1913, when he was sentenced to 1 year and a day in Federal prison. During Johnson's appeal, one prosecutor admitted that "Mr. Johnson was perhaps persecuted as an individual, but that it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks."

After the trial, Johnson fled the country to Canada, and then traveled to various European and South American countries, before losing his heavyweight championship title in Cuba in 1915. He returned to the United States in 1920, surrendered to federal authorities, and served nearly a year in Federal prison. Despite this obvious and clear injustice, Johnson refused to turn his back on the country that betrayed him. Mr. Johnson died in an automobile accident in 1946.

The Jack Johnson case is an ignominious stain on our Nation's history. Rectifying this injustice is long overdue. Again, this resolution calls on the

President to pardon Mr. Johnson posthumously. It recognizes the unjustness of what transpired, and sheds light on the achievements of an athlete who was forced into the shadows of bigotry and prejudice. Johnson was a flawed individual who was certainly controversial. But he was also a historic American figure, whose life and accomplishments played an instrumental role in our Nation's progress toward true equality under the law. And he deserved much better than a racially motivated conviction, which denied him of his liberty, and served to diminish his athletic, cultural, and historic significance.

Yesterday was the 131st anniversary of Jack Johnson's birth and we should take this opportunity to allow future generations to grasp fully what Jack Johnson accomplished against great odds and appreciate his contributions to society unencumbered by the taint of his criminal conviction. We know that we cannot possibly right the wrong that was done to Jack Johnson, but we can take this small step toward acknowledging his mistreatment and removing the cloud that casts a shadow on his legacy. I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 805. Mr. ENSIGN (for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, Mr. ENZI, Mr. CRAPO, Mr. COBURN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

SA 806. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 807. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 808. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 809. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 810. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 811. Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 812. Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 813. Ms. KLOBUCHAR (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 814. Mr. PRYOR (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 873. Mrs. LINCOLN (for herself, Mr. KYL, Mr. NELSON, of Nebraska, Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Ms. LANDRIEU,

SA 805. Mr. ENSIGN (for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, Mr. ENZI, Mr. CRAPO, Mr. COBURN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 15, decrease the amount by \$303,420,000.

On page 4, line 16, decrease the amount by \$475,732,000.

On page 4, line 17, decrease the amount by \$599,908,000.

On page 4, line 18, decrease the amount by \$755,924,000.

On page 4, line 24, decrease the amount by \$303,420,000.

On page 4, line 25, decrease the amount by \$475,732,000.

On page 5, line 1, decrease the amount by \$599,908,000.

On page 5, line 2, decrease the amount by \$755,924,000.

On page 5, line 8, decrease the amount by \$303,420,000.

On page 5, line 9, decrease the amount by \$475,732,000.

On page 5, line 10, decrease the amount by \$599,908,000.

On page 5, line 11, decrease the amount by \$755,924,000.

On page 5, line 18, decrease the amount by \$303,420,000.

On page 5, line 19, decrease the amount by \$779,152,000.

On page 5, line 20, decrease the amount by \$1,379,060,000.

On page 5, line 21, decrease the amount by \$2,134,984,000.

On page 6, line 1, decrease the amount by \$303,420,000.

On page 6, line 2, decrease the amount by \$779,152,000.

On page 6, line 3, decrease the amount by \$1,379,060,000.

On page 6, line 4, decrease the amount by \$2,134,984,000.

On page 21, line 3, decrease the amount by \$300,000,000.

On page 21, line 4, decrease the amount by \$300,000,000.

On page 21, line 7, decrease the amount by \$460,000,000.

On page 21, line 8, decrease the amount by \$460,000,000.

On page 21, line 11, decrease the amount by \$560,000,000.

On page 21, line 12, decrease the amount by \$560,000,000.

On page 21, line 15, decrease the amount by \$680,000,000.

On page 21, line 16, decrease the amount by \$680,000,000.

On page 27, line 3, decrease the amount by \$3,420,000.

On page 27, line 4, decrease the amount by \$3,420,000.

On page 27, line 7, decrease the amount by \$15,732,000.

On page 27, line 8, decrease the amount by \$15,732,000.

On page 27, line 11, decrease the amount by \$39,908,000.

On page 27, line 12, decrease the amount by \$39,908,000.

On page 27, line 15, decrease the amount by \$75,924,000.

On page 27, line 16, decrease the amount by \$75,924,000.

SA 806. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of subtitle A of title III, insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.

(a) In General.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(b) Definition.—In this section, the term “Federal income tax rates” means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

(c) Waiver.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) Appeals.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 807. Mr. JOHANNNS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR THE DEFENSE OF THE UNITED STATES AND ITS ALLIES AGAINST THE THREAT OF BALLISTIC MISSILE ATTACK.

In the event the United States or an ally of the United States engages a ballistic missile fired by a third party without the mutual consent of the engaging party and the party firing such missile, it shall be in order for the Chairman of the Senate Committee on the Budget to revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide funding for United States programs for research, development, and deployment of ballistic missile defense by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SA 808. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 20, line 24, increase the amount by \$5,000,000.

On page 20, line 25, increase the amount by \$5,000,000.

On page 21, line 3, increase the amount by \$10,000,000.

On page 21, line 4, increase the amount by \$10,000,000.

On page 21, line 7, increase the amount by \$10,000,000.

On page 21, line 8, increase the amount by \$10,000,000.

On page 27, line 23, decrease the amount by \$5,000,000.

On page 27, line 24, decrease the amount by \$5,000,000.

On page 28, line 2, decrease the amount by \$10,000,000.

On page 28, line 3, decrease the amount by \$10,000,000.

On page 28, line 6, decrease the amount by \$10,000,000.

On page 28, line 7, decrease the amount by \$10,000,000.

SA 809. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 2, after “development,” insert “strengthen and retool manufacturing supply chains.”

SA 810. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 37, line 24, insert “by increasing support for sector workforce training,” after “products.”

SA 811. Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO ESTABLISH A NATIONAL USURY LAW.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to establish a national usury law, provided that such legislation does not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 812. Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for

fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:
SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO PROTECT SOCIAL SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would protect Social Security by not reducing Social Security benefits or raising the retirement age, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 813. Ms. KLOBUCHAR (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE STUDENT ACHIEVEMENT.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that improve student achievement by focusing on attendance and truancy prevention specifically at the middle school grade level, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 814. Mr. PRYOR (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$13,000,000.

On page 19, line 25, increase the amount by \$11,000,000.

On page 20, line 4, increase the amount by \$2,000,000.

On page 27, line 23, decrease the amount by \$13,000,000.

On page 27, line 24, decrease the amount by \$11,000,000.

On page 28, line 3, decrease the amount by \$2,000,000.

SA 815. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the

concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert “by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.)” after “students”.

SA 816. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 38, line 19, after “refundable tax relief” insert “and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit”.

SA 817. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on social security benefits, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 818. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and

other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 819. Mr. ENZI (for himself, Mr. ALEXANDER, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, between lines 4 and 5, insert the following:

SEC. ____ . RESTRICTIONS ON UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 820. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 ____ . DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 821. Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, and insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) ensures that every American is insured by providing genuine access to quality, affordable health care that promotes choice and competition to drive down costs, without increasing health care spending;

(2) strengthens health care quality by promoting wellness and empowering consumers with accurate and comprehensive information on quality and cost;

(3) protects Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability;

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality; and

(5) accomplishes paragraphs (1) through (4) through regular order, without the use of reconciliation; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 822. Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would encourage the efficiency of providers receiving health information technology incentive payments made available under the American Recovery and Reinvestment Act of 2009 by capping such incentive payments at 75 percent of the total acquisition and operating costs of implementing such system, provided such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 823. Mr. ENZI (for himself and Mr. ROBERTS) submitted an amendment in-

tended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 3, line 12, decrease the amount by \$7,536,000,000.

On page 3, line 13, decrease the amount by \$11,786,000,000.

On page 3, line 14, decrease the amount by \$13,136,000,000.

On page 3, line 15, decrease the amount by \$14,236,000,000.

On page 4, line 6, increase the amount by \$7,536,000,000.

On page 4, line 7, increase the amount by \$11,786,000,000.

On page 4, line 8, increase the amount by \$13,136,000,000.

On page 4, line 9, increase the amount by \$14,236,000,000.

On page 4, line 15, increase the amount by \$85,910,000.

On page 4, line 16, increase the amount by \$398,927,000.

On page 4, line 17, increase the amount by \$991,775,000.

On page 4, line 18, increase the amount by \$1,807,623,000.

On page 4, line 24, increase the amount by \$85,910,000.

On page 4, line 25, increase the amount by \$398,927,000.

On page 5, line 1, increase the amount by \$991,775,000.

On page 5, line 2, increase the amount by \$1,807,623,000.

On page 5, line 8, increase the amount by \$7,621,910,000.

On page 5, line 9, increase the amount by \$12,184,927,000.

On page 5, line 10, increase the amount by \$14,127,775,000.

On page 5, line 11, increase the amount by \$16,043,623,000.

On page 5, line 18, increase the amount by \$7,621,910,000.

On page 5, line 19, increase the amount by \$19,806,837,000.

On page 5, line 20, increase the amount by \$33,934,612,000.

On page 5, line 21, increase the amount by \$49,978,236,000.

On page 6, line 1, increase the amount by \$7,621,910,000.

On page 6, line 2, increase the amount by \$19,806,837,000.

On page 6, line 3, increase the amount by \$33,934,612,000.

On page 6, line 4, increase the amount by \$49,978,236,000.

On page 27, line 3, increase the amount by \$85,910,000.

On page 27, line 4, increase the amount by \$85,910,000.

On page 27, line 7, increase the amount by \$398,927,000.

On page 27, line 8, increase the amount by \$398,927,000.

On page 27, line 11, increase the amount by \$991,775,000.

On page 27, line 12, increase the amount by \$991,775,000.

On page 27, line 15, increase the amount by \$1,807,623,000.

On page 27, line 16, increase the amount by \$1,807,623,000.

SA 824. Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S.

Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics' Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 825. Mr. ENZI (for himself, Mr. BARRASSO, Mr. VITTER, Mr. HATCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATIONS ON LEGISLATION THAT WOULD INCREASE ELECTRICITY PRICES DURING PERIODS OF HIGH UNEMPLOYMENT.

(a) DEFINITION OF LEGISLATION.—In this section, the term "legislation" means a bill, joint resolution, amendment, motion, or conference report.

(b) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, on a point of order being made by any Senator against the legislation, or any part of the legislation, as a result of which a determination described in paragraph (2) is made, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination made by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Federal Government agencies, on the request of a Senator for review of the legislation, that the legislation, or portion of the legislation, would, if enacted, result in an increase in the national average price for electricity during a period that the national average unemployment rate (as determined by the Bureau of Labor Statistics) is more than 5.5 percent.

(c) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as the ruling applies to all or part of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (b)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or designees.

SA 826. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading “ADMINISTRATIVE PROVISIONS” under the heading “MINERALS MANAGEMENT SERVICE” under the heading “DEPARTMENT OF THE INTERIOR” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111-8).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 827. Ms. COLLINS (for herself, Mr. BINGAMAN, and Mr. BAYH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for

fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 4, insert “(including through industrial energy efficiency programs)” after “and efficiency”.

SA 828. Mr. COBURN (for himself, Mr. WICKER, Mr. VITTER, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, strike lines 3 through 7 and insert the following: “cans;

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue; or

(9)(A) subject to subparagraph (B), protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions, which includes, but is not limited to, prohibiting—

(i) discrimination on the basis of a provider’s objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals;

(ii) legal coercion against a provider who expresses a conscience objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals; and

(iii) government coercion of patients to enroll in specific health insurance plans or see pre-selected health care providers; and

(B) require the principles described in subparagraph (A) shall not be construed to authorize or shield from liability the denial, on the basis of a patient’s race or present or predicted disability, of a surgical or medical procedure or pharmaceutical that a provider offers to others;”.

SA 829. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, strike lines 6 through line 17 and insert the following:

SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

(a) IN GENERAL.—In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(b) SENSE OF THE SENATE REGARDING SUPPORTING THE PRESIDENT IN HIS EFFORTS TO

GO “LINE BY LINE” THROUGH THE FEDERAL BUDGET.—

(1) FINDINGS.—The Senate finds that—

(A) as of March 30, 2009, the national debt of the United States currently stands at \$11,045,554,110,788.22, the largest in world history;

(B) each United States citizen’s share of this debt is \$36,155.97;

(C) the fiscal year 2010 Senate Budget Resolution will increase the total United States national debt by at least \$5,000,000,000,000 over the next 10 years;

(D) the power of the purse belongs to Congress;

(E) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs;

(F) Congress annually funds programs that are wasteful, inefficient, and duplicative that result in taxpayer losses in the billions;

(G) it is irresponsible for Congress to continue funding wasteful, inefficient, or duplicative Government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans;

(H) every cent that the United States Government loses on wasteful, inefficient, or duplicative programs is money stolen from future generations of Americans and from important programs, including Social Security and Medicare, on which our senior citizens depend for their retirement security;

(I) President Obama declared on November 25, 2008, “In these challenging times, when we are facing both rising deficits and a sinking economy, budget reform is not an option. It is an imperative. We cannot sustain a system that bleeds billions of taxpayer dollars on programs that have outlived their usefulness, or exist solely because of the power of politicians, lobbyists, or interest groups.”; and

(J) President Obama pledged, on November 25, 2008, to go through the Federal Budget “page by page, line by line, eliminating those programs we don’t need, and insisting that those we do operate in a sensible, cost-effective way.”.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should support the President in his efforts to go line by line through the Federal budget to eliminate wasteful spending by—

(A) requiring the head of every Federal department and agency to provide a report to Congress, within 90 days of the date of adoption of this resolution, on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of such programs;

(B) requiring the Office of Management and Budget, within 90 days of the date of adoption of this resolution, to provide a report to Congress on programs that are duplicative government-wide, with recommendations for elimination or consolidation of such programs; and

(C) requiring every standing committee of Congress to conduct at least one oversight hearing per fiscal year to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated.

SA 830. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 40, strike lines 9 through 22 and insert the following:

(f) **HOUSING ASSISTANCE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 831. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF CONGRESS ON UNITED NATIONS TRANSPARENCY.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States taxpayer provides the United Nations with over \$5,000,000,000 annually, representing up to 25 percent of all funds received by the United Nations, even though the United States is only 1 of 192 United Nations members.

(2) In 2008, the Permanent Subcommittee on Investigations of the Senate found that the United Nations lead development entity, the United Nations Development Program, diverted development funds to the entity used by the Democratic People's Republic of Korea to finance illicit missile sales and permitted the Government of North Korea to use United Nations bank accounts to freely transfer cash around the world and elude detection and sanctions.

(3) The United Nations Procurement Task Force reported in 2008 that the United Nations Environment Program, which spends over \$1,000,000,000 annually and receives almost 10 percent of its budget from United States taxpayers, conducts almost no auditing or oversight of its spending, has one auditor and one assistant to inspect its operations, and would take 17 years to audit its high-risk areas already identified.

(4) The United Nations Procurement Task Force reported in 2008 that poor data collection across the United Nations system makes it impossible to determine whether a United Nations program is relevant or effective.

(5) The United Nations Procurement Task Force reported in 2008 that United Nations resource allocation and performance assessments do not take into account whether or not results have been achieved.

(6) The Department of State reported in 2007 that the United Nations 2008/2009 Biennial Budget represents the largest increase in its funding request in United Nations his-

tory, in excess of \$5,200,000,000 and representing a 25 percent increase from the previous biennial budget.

(7) The Department of State reported in 2007 that, in the previous 5 years, the United Nations budget has grown at a record 17 percent, the United Nations Peacekeeping budget has grown by 40 percent, and the United Nations Tribunals budget has grown by 15 percent, but the United States budget has only grown 7 percent during the same period.

(8) The Department of State reported in 2007 that the overwhelming majority of the United Nations budget, 75 percent, is diverted to costs associated with its staff instead of direct humanitarian assistance or conflict prevention.

(9) United Nations auditors in 2007 found that 43 percent of over \$1,000,000,000 in audited procurement contracts were tainted by fraud and corruption.

(10) The official policy at the Department of State for United Nations reform, as implemented through the United Nations Transparency and Accountability Initiative, is to press the United Nations to reform by providing access to United Nations audits, budget information and procurement activities, instituting legitimate whistleblower protections, financial disclosure policies, and an ethics office, providing independence for its internal oversight bodies, adopting international accounting standards, and establishing a cap on administrative overhead costs for United Nations funds and programs.

(11) The Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) requires all federal funding information to be put on the public website, USAspending.gov, including all contract, subcontract, grant, and subgrant data such as the amount of the award, source of funds, and the intended purpose of the funds.

(12) Section 212 of this resolution creates a deficit-neutral reserve fund for a bipartisan congressional sunset commission that is tasked with providing “for a process that will help abolish obsolete and duplicative Federal programs” and “for improved government accountability and greater openness in Government decision-making”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that no appropriated funds should be obligated, expended, or otherwise made available for the United Nations or any subsidiary body of the United Nations, including any organization that is authorized to use the United Nations logo, for a fiscal year unless the Director of the Office of Management and Budget certifies that the United Nations, such subsidiary body of the United Nations, or such organization, as the case may be, is fully and publicly transparent about all of its spending, including for procurement purposes, that occurred during the prior fiscal year, including the posting on a publicly available website of—

(1) copies of all contracts, grants, subcontracts, and subgrants awarded or utilized during the prior fiscal year;

(2) copies of all program reviews, audits, budgets, project progress reports, and other management documents relating to the prior fiscal year; and

(3) any other financial or management information determined necessary by the Director of the Office of Management and Budget.

SA 832. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE REGARDING THE NEED FOR TRANSPARENCY FOR DOCUMENTS RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) **FINDINGS.**—The Senate finds the following:

(1) On September 16, 2008, the Board of Governors of the Federal Reserve, after consulting with Treasury Department, issued a press release announcing it “authorized the Federal Reserve Bank of New York to lend up to \$85 billion to the American International Group (AIG) under section 13(3) of the Federal Reserve Act.”

(2) On October 8, 2008, the Board of Governors of the Federal Reserve issued a press release, announcing it would loan AIG an additional \$37.8 billion, stating, “Under this program, the New York Fed will borrow up to \$37.8 billion in investment-grade, fixed-income securities from AIG in return for cash collateral.”

(3) On November 10, 2008, the United States Treasury issued a press release announcing it would “purchase \$40 billion in senior preferred stock from the American International Group (AIG) as part of a comprehensive plan to restructure federal assistance to the systemically important company.”

(4) On November 25, 2008, the Treasury Department used funds from the Troubled Asset Relief Program (TARP) to purchase the \$40 billion in preferred shares in AIG.

(5) The November 10, 2008, a Treasury Department press release also stated, relating to compensation for AIG executives in light of the recent taxpayer-funded purchase of senior preferred stock, “Under the agreement AIG must be in compliance with the executive compensation and corporate governance requirements of Section 111 of the Emergency Economic Stabilization Act. AIG must comply with the most stringent limitations on executive compensation for its top five senior executive officers as required under the Emergency Economic Stabilization Act. Treasury is also requiring golden parachute limitations and a freeze on the size of the annual bonus pool for the top 70 company executives.”

(6) On January 26, 2009, H.R. 1, the American Recovery and Reinvestment Act of 2009 was introduced in the House with no language on executive compensation requirements for Troubled Asset Relief Program (TARP) recipients.

(7) On January 28, 2009, H.R. 1 passed the House of Representatives by a vote of 244-188, with no language included on executive compensation requirements for TARP recipients.

(8) On January 30, 2009, the Senate began consideration of Senate Amendment 98, a substitute amendment to H.R. 1, which did not include language on executive compensation requirements for TARP recipients.

(9) On February 5, 2009, during consideration of Senate Amendment 98, the Senate adopted by voice vote, Senate Amendment 354, which would prohibit the payment of bonuses to the top 25 executives at firms in receipt of TARP funds.

(10) On February 7, 2009, Senate Amendment 98 was withdrawn in the Senate, and Senate Amendment 570, a substitute amendment was ordered to be printed in the Senate, which included Senate Amendment 354, previously approved by the Senate.

(11) On February 10, 2009, Senate Amendment 570 passed the Senate by a vote of 61 – 37.

(12) On February 13, 2009, the conference report to H.R. 1 was approved by both the Senate and the House of Representatives, and contained a new provision, not included in either the Senate-passed or House-passed bills, specifically exempting bonuses agreed to before February 11, 2009, for executives at companies that received TARP funds.

(13) Senators were given less than 24 hours to review any changes that were made to the conference report, which totaled more than 1,000 pages.

(14) According to Senate Rule XXVIII, paragraph 2(a), "Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses."

(15) According to Senate Rule XXVIII, paragraph 9(a)(1), "It shall not be in order to vote on the adoption of a report of a committee of conference unless such report has been available to Members and to the general public for at least 48 hours before such vote. If a point of order is sustained under this paragraph, then the conference report shall be set aside."

(16) On March 18, 2009, CNN reported that one United States senator "denied inserting that exemption at the 11th hour, and insisted he doesn't know how it got in there."

(17) On March 19, 2009, ABC News reported that one United States senator stated the following regarding the executive compensation language included in H.R. 1, "And frankly it was such a rush, talking about the stimulus bill now, to get it passed, I did not have time, other conferees did not have time to address many of the provisions that were modified significantly. We do the best we can, but we missed that stuff as a result."

(18) On March 19, 2009, The Hill Newspaper reported that, according to the Speaker of the House of Representatives, the language in question did not originate in the House of Representatives, stating "This was never brought to conference, ... This never came to the House side, and you can talk to any of our conferees. It's a matter of fact and record."

(19) On March 19, 2009, the Wall Street Journal reported that White House officials suggested they did not request the legislative change, saying that "Administration officials said the Treasury didn't suggest any language or say how the amendment should be changed. They said they noted legal issues that could likely lead to challenges, but was the end of their involvement. The official said Mr. Dodd and Congress made the final changes on their own."

(20) On March 19, 2009, in an interview with CNN, Treasury Secretary Timothy Geithner stated that "Treasury staff did express concern about whether this provision was vulnerable to legal challenge."

(21) On March 19, an ABC news story reported that "Two separate federal agencies have begun investigations into how the provisions ended up in the legislation..."

(22) On March 28, 2009, the Hartford Courant reported that the Attorney General of the State of Connecticut had sent a letter to the Chairman of the Board of Governors of the Federal Reserve contending that the AIG bonuses payments were not protected under Connecticut's wage act, calling such arguments, "flawed legal bluffs". Earlier in the week, the Chairman had testified to Congress that he wanted to legally challenge the bonuses but was advised not to because of the potential liability from the wage act. But, according to a March 25 story in the Hartford Courant, the Federal Reserve had not been in contact with the State Attorney General's office to discuss the matter.

(23) Additionally, section 215 of this resolution encourages increased "transparency at the Federal Reserve System, including au-

ditions of the Board of Governors of the Federal Reserve System and the Federal reserve banks and increased public disclosure with respect to the recipients of all loans and other financial assistance it has provided since March 4, 2008".

(24) The secret change in the language relating to executive compensation for TARP recipients' calls into question the integrity of the Senate and the legislative process, and the executive branch has seen fit to investigate such matters.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that not later than 14 days after the adoption of this resolution, the Department of Treasury and the Board of Governors of the Federal Reserve, should post a clearly labeled section on the front page of the website of each such agency, that contains, in a searchable format, all documents relating to the origination, development, and insertion of the language described in subsection (a) into the conference report to H.R. 1, including—

(1) any relevant correspondences, memorandums, electronic communications, meeting summaries, and telephone logs; and

(2) all communication, in any medium or manner, with—

(A) each Senate Office;

(B) the President and any officials employed or associated with the Administration of the President;

(C) American International Group; and

(D) the Office of the Attorney General of the State of Connecticut.

SA 833. Mr. CRAPO (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 12, line 21, strike "\$4,489,000,000" and insert "\$4,939,000,000".

On page 12, line 22, strike "\$6,210,000,000" and insert "\$6,457,500,000".

On page 12, line 25, strike "\$4,404,000,000" and insert "\$4,844,000,000".

On page 13, line 1, strike "\$8,906,000,000" and insert "\$9,283,000,000".

On page 13, line 4, strike "\$4,427,000,000" and insert "\$4,867,000,000".

On page 13, line 5, strike "\$10,341,000,000" and insert "\$10,769,000,000".

On page 13, line 8, strike "\$4,619,000,000" and insert "\$5,059,000,000".

On page 13, line 9, strike "\$5,613,000,000" and insert "\$6,053,300,000".

On page 13, line 12, strike "\$4,540,000,000" and insert "\$4,980,000,000".

On page 13, line 13, strike "\$484,000,000" and insert "\$924,000,000".

On page 25, line 24, strike "\$22,321,000,000" and insert "\$21,871,000,000".

On page 25, line 25, strike "\$23,021,000,000" and insert "\$22,773,500,000".

On page 26, line 3, strike "\$22,477,000,000" and insert "\$22,037,000,000".

On page 26, line 4, strike "\$23,322,000,000" and insert "\$22,945,000,000".

On page 26, line 7, strike "\$22,707,000,000" and insert "\$22,267,000,000".

On page 26, line 8, strike "\$23,806,000,000" and insert "\$23,378,000,000".

On page 26, line 11, strike "\$22,437,000,000" and insert "\$21,997,000,000".

On page 26, line 12, strike "\$23,252,000,000" and insert "\$22,811,700,000".

On page 26, line 15, strike "\$22,808,000,000" and insert "\$22,368,000,000".

On page 26, line 16, strike "\$23,109,000,000" and insert "\$22,669,000,000".

At the appropriate place, insert the following:

SEC. ____ . CONTINUATION OF REQUIRED LICENSING ACTIVITIES TO SUPPORT FINAL DISPOSAL OF CERTAIN MATERIALS AT YUCCA MOUNTAIN REPOSITORY.

Notwithstanding any other provision of law, for each of fiscal years 2010 through 2014, there is authorized to be appropriated to the Secretary of Energy and the Chairperson of the Nuclear Regulatory Commission for the continuation of required licensing activities to support the final disposal at the Yucca Mountain Repository of spent nuclear fuel and high-level radioactive waste an amount equal to the increase in amounts made available under Function 270 by the modifications made by this amendment.

SA 834. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 21, line 7, increase the amount by \$5,000,000.

On page 21, line 8, increase the amount by \$5,000,000.

On page 21, line 11, increase the amount by \$10,000,000.

On page 21, line 12, increase the amount by \$10,000,000.

On page 21, line 15, increase the amount by \$10,000,000.

On page 21, line 16, increase the amount by \$10,000,000.

On page 28, line 6, decrease the amount by \$5,000,000.

On page 28, line 7, decrease the amount by \$5,000,000.

On page 28, line 10, decrease the amount by \$10,000,000.

On page 28, line 11, decrease the amount by \$10,000,000.

On page 28, line 14, decrease the amount by \$10,000,000.

On page 28, line 15, decrease the amount by \$10,000,000.

SA 835. Mr. GREGG (for himself, Mr. McCONNELL, Mr. VOINOVICH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. ENZI, Mr. LIEBERMAN, and Mr. ISAKSON) proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS OUR NATIONS LONG TERM FISCAL PROBLEMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference

reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party, legislative recommendations to address those imbalances, and provides legislative fast track procedures to ensure a vote on the legislative recommendations, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 836. Mr. REED (for himself, Ms. SNOWE, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. ROCKEFELLER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 21, line 24, increase the amount by \$1,900,000,000.
On page 21, line 25, increase the amount by \$1,330,000,000.
On page 22, line 4, increase the amount by \$532,000,000.
On page 22, line 8, increase the amount by \$38,000,000.
On page 27, line 23, decrease the amount by \$1,900,000,000.
On page 27, line 24, decrease the amount by \$1,330,000,000.
On page 28, line 3, decrease the amount by \$532,000,000.
On page 28, line 7, decrease the amount by \$38,000,000.

SA 837. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 19, line 24, increase the amount by \$10,000,000.
On page 19, line 25, increase the amount by \$3,000,000.
On page 20, line 4, increase the amount by \$4,000,000.
On page 20, line 8, increase the amount by \$2,000,000.
On page 20, line 12, increase the amount by \$1,000,000.
On page 27, line 23, decrease the amount by \$10,000,000.
On page 27, line 24, decrease the amount by \$3,000,000.
On page 28, line 3, decrease the amount by \$4,000,000.
On page 28, line 7, decrease the amount by \$2,000,000.
On page 28, line 11, decrease the amount by \$1,000,000.

SA 838. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional

budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 24, line 24, increase the amount by \$23,000,000.
On page 24, line 25, increase the amount by \$16,000,000.
On page 25, line 4, increase the amount by \$4,000,000.
On page 25, line 8, increase the amount by \$2,000,000.
On page 25, line 12, increase the amount by \$1,000,000.
On page 27, line 23, decrease the amount by \$23,000,000.
On page 27, line 24, decrease the amount by \$16,000,000.
On page 28, line 3, decrease the amount by \$4,000,000.
On page 28, line 7, decrease the amount by \$2,000,000.
On page 28, line 11, decrease the amount by \$1,000,000.

SA 839. Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 21, line 24, increase the amount by \$20,000,000.
On page 21, line 25, increase the amount by \$15,200,000.
On page 22, line 3, increase the amount by \$20,000,000.
On page 22, line 4, increase the amount by \$19,800,000.
On page 22, line 7, increase the amount by \$10,000,000.
On page 22, line 8, increase the amount by \$12,400,000.
On page 22, line 12, increase the amount by \$2,500,000.
On page 22, line 16, increase the amount by \$100,000.
On page 27, line 23, decrease the amount by \$20,000,000.
On page 27, line 24, decrease the amount by \$15,200,000.
On page 28, line 2, decrease the amount by \$20,000,000.
On page 28, line 3, decrease the amount by \$19,800,000.
On page 28, line 6, decrease the amount by \$10,000,000.
On page 28, line 7, decrease the amount by \$12,400,000.
On page 28, line 11, decrease the amount by \$2,500,000.
On page 28, line 15, decrease the amount by \$100,000.

SA 840. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 25, line 23, increase the amount by \$3,000,000.
On page 25, line 24, increase the amount by \$3,000,000.
On page 26, line 2, increase the amount by \$6,000,000.
On page 26, line 3, increase the amount by \$6,000,000.
On page 26, line 6, increase the amount by \$8,000,000.
On page 26, line 7, increase the amount by \$8,000,000.
On page 26, line 10, increase the amount by \$8,000,000.
On page 26, line 11, increase the amount by \$8,000,000.
On page 26, line 14, increase the amount by \$4,000,000.
On page 26, line 15, increase the amount by \$4,000,000.
On page 10, line 20, decrease the amount by \$3,000,000.
On page 10, line 21, decrease the amount by \$3,000,000.
On page 10, line 24, decrease the amount by \$6,000,000.
On page 10, line 25, decrease the amount by \$6,000,000.
On page 11, line 3, decrease the amount by \$8,000,000.
On page 11, line 4, decrease the amount by \$8,000,000.
On page 11, line 7, decrease the amount by \$8,000,000.
On page 11, line 8, decrease the amount by \$8,000,000.
On page 11, line 11, decrease the amount by \$4,000,000.
On page 11, line 12, decrease the amount by \$4,000,000.

SA 841. Ms. MURKOWSKI (for herself, Mrs. MURRAY, Mr. BENNET, Mr. TESTER, and Mr. THUNE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$100,000,000.
On page 19, line 25, increase the amount by \$30,000,000.
On page 20, line 4, increase the amount by \$43,000,000.
On page 20, line 8, increase the amount by \$18,000,000.
On page 20, line 12, increase the amount by \$7,000,000.
On page 27, line 23, decrease the amount by \$100,000,000.
On page 27, line 24, decrease the amount by \$30,000,000.
On page 28, line 3, decrease the amount by \$43,000,000.
On page 28, line 7, decrease the amount by \$18,000,000.
On page 28, line 11, decrease the amount by \$7,000,000.

SA 842. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for

fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 40, line 4, insert “(including such legislation that expands free trade by reducing or eliminating duties, restrictions on the importation of articles, or any other barriers to international trade)” after “trade”.

SA 843. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 40, line 4, after “trade” insert the following: “(including implementation of trade agreements with Colombia, Panama, and the Republic of Korea)”.

SA 844. Mr. CRAPO proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 50, line 12, strike “and”

On page 50, insert after line 15:

“(3) for fiscal year 2011, \$1,092,921,000 in new budget authority;

(4) for fiscal year 2012, \$1,112,047,000 in new budget authority; and”.

On page 49, insert on line 12 after the word “bill”:

“, concurrent resolution.”.

SA 845. Ms. LANDRIEU (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of title II, add the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would, with respect to services provided under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) and services provided under part E of title IV of that Act (42 U.S.C. 670 et seq.)—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addic-

tion, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected; by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 846. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 68, after line 4, insert the following:

SEC. ____ . FISCAL YEAR 2010 EARMARK MORATORIUM.

(a) **BILLS AND JOINT RESOLUTIONS.**—

(1) **POINT OF ORDER.**—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) **RETURN TO THE CALENDAR.**—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) **CONFERENCE REPORT.**—

(1) **POINT OF ORDER.**—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) **RETURN TO THE CALENDAR.**—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) **FLOOR AMENDMENT.**—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) **AMENDMENT BETWEEN THE HOUSES.**—

(1) **IN GENERAL.**—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) **RETURN TO THE CALENDAR.**—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) **WAIVER.**—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) **DEFINITIONS.**—For the purpose of this section—

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or

recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term “limited tax benefit” means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) **FISCAL YEAR 2010.**—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal year 2010.

(h) **APPLICATION.**—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 847. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____ . EARMARK PROHIBITION.

(a) **IN GENERAL.**—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that includes a congressional earmark.

(b) **MATTER STRICKEN.**—If the point of order prevails under subsection (a), the earmark provision shall be stricken in accordance with the procedures provided in section 313 of the Congressional Budget Act of 1974.

(c) **DEFINITION.**—In this section, the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(d) **WAIVERS AND APPEALS.**—

(1) **WAIVER OR SUSPENSION.**—This section may be waived or suspended in the Senate only by the affirmative rollcall vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the

Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 848. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place at the end of subtitle A of title III, insert the following:

SEC. ____ POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME FAMILIES.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) SUSPENSION OF POINT OF ORDER.—

(1) IN GENERAL.—A point of order raised under subsection (a) shall be suspended in the Senate upon certification by the Chairman of the Budget Committee of the Senate that such bill, joint resolution, amendment, motion, amendment between Houses, or conference report does not include a Federal income tax increase on middle-income families.

(2) MIDDLE-INCOME FAMILIES.—For purposes of paragraph (1), the term “middle-income families” is defined as married couples filing jointly with \$250,000 or less in adjusted gross income. Adjusted gross income is defined under section 62 of the Internal Revenue Code of 1986.

(3) FEDERAL INCOME TAX INCREASE.—For purposes of paragraph (1), the term “Federal income tax increase” means any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal income tax, and any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 849. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND TO PROHIBIT THE TRANSFER OF DETAINEES AT NAVAL STATION GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report to prohibit the transfer of detainees housed at Naval Station, Guantanamo Bay, Cuba, to the United States or its territories by the amounts provided in that legislation for that purpose, provided that such legislation would not increase spending over the total of the period of fiscal years 2009 through 2014 and that such legislation would not increase revenues in any year in the period of fiscal years 2009 through 2019.

SA 850. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND TO SUSPEND PREVAILING WAGE STANDARDS IN HIGH UNEMPLOYMENT AREAS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would suspend the application of Federal laws requiring the payment of prevailing wages to workers under Federal contracts that have received federal funds from the American Recovery and Reinvestment Act of 2009, provided that such legislation would not increase the deficit over either period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 851. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE UNION TRANSPARENCY AND FISCAL INTEGRITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would guarantee the right of every worker to a National Labor Relations Board sanctioned secret ballot election during a unionization campaign of the workplace, provided that such legislation would not increase the deficit over either period of

the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 852. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE DEATH TAX.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would permanently repeal chapter 11 of the Internal Revenue Code of 1986 (relating to the estate tax) and chapter 13 of such Code (relating to the tax on generation-skipping transfers), provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 853. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ POINT OF ORDER AGAINST LEGISLATION THAT DECREASES THE NUMBER OF AMERICANS ENROLLED IN PRIVATE HEALTH INSURANCE WHILE INCREASING THE NUMBER ENROLLED IN GOVERNMENT-MANAGED, RATIONED HEALTH CARE.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that decreases the number of Americans enrolled in private health insurance plans, while increasing the number of Americans enrolled in government-managed, rationed health care (as determined by the Congressional Budget Office).

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 854. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for

fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO ALLOW THE PURCHASE OF HEALTH INSURANCE ACROSS STATE LINES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would permit Americans who reside in one State to purchase a more affordable health insurance plan in the individual market that is domiciled or licensed in another State, provided that such legislation would not increase the deficit over either period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 855. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO ALLOW FOR THE PAYMENT OF HEALTH INSURANCE PREMIUMS FROM AMOUNTS IN HEALTH SAVINGS ACCOUNTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that amends section 223 of the Internal Revenue Code of 1986 to allow amounts paid for insurance premiums to be treated as a qualified medical expense when paid from a health savings account, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 856. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 ____ . DEFICIT-NEUTRAL RESERVE FUND FOR OUTER CONTINENTAL SHELF LEASE SALES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide for oil and

natural gas lease sales (including lease sales for areas in the outer Continental Shelf planning areas of the South Atlantic and Mid Atlantic) on or before July 31, 2010.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 857. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____ . LIMITATIONS ON LEGISLATION THAT WOULD INCREASE THE NATIONAL AVERAGE ELECTRICITY PRICE FOR CONSUMERS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average electricity price for consumers, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average electricity price for consumers.

(3) LEGISLATION.—In this section the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless three-fifths of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

SA 858. Mr. DEMINT submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING AN ABOVE THE LINE FEDERAL INCOME TAX DEDUCTION FOR INDIVIDUALS PURCHASING HEALTH INSURANCE OUTSIDE THE WORKPLACE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide an above the line Federal income tax deduction under section 62 of the Internal Revenue Code of 1986 for individuals who do not receive health insurance through an employer and who purchase such insurance in the individual market by the amounts provided in such legislation for those purposes, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 859. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ADDITIONAL HEALTH INSURANCE OPTIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would permit individuals receiving COBRA subsidies to use such subsidies to enroll in any health insurance coverage offered by the employer (or employee organization), in any health insurance coverage offered in the individual market, or in coverage offered through a State high risk pool, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 860. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which

was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR YUCCA MOUNTAIN NUCLEAR REPOSITORY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would open the Yucca Mountain Nuclear Repository and provide for the expanded use of clean, non-carbon emitting nuclear energy in the United States.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 861. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR HIGHWAY TRUST FUND.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would allow States to opt out of a portion of the Federal highway program, which permits States to keep a higher percentage of the amount such States currently pay in Federal motor vehicle fuel taxes and provides States with greater flexibility in meeting their infrastructure priorities, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 862. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE UNION TRANSPARENCY AND FISCAL INTEGRITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would require labor organiza-

tions to provide financial transparency by filing annual LM-2 reports with the Department of Labor, provided that such legislation would not increase the deficit over either period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 863. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR COMPLETION OF 700 MILES OF THE SOUTHWEST BORDER FENCE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels in this resolution by the amounts provided by 1 or more bills, joint resolutions, amendments, motions, or conference reports that would increase border security by completing the construction of 700 miles of reinforced fencing and the installation of the related equipment described in section 102(b)(1)(B) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 USC 1103 note) by December 31, 2010, provided that such legislation would not increase the deficit over the 6-year period ending on September 30, 2014 or the 11-year period ending on September 30, 2019.

SA 864. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, strike “\$46,670,000,000” and insert “\$46,666,000,000”.

On page 10, line 21, strike “\$46,960,000,000” and insert “\$46,956,000,000”.

On page 24, line 24, strike “\$52,857,000,000” and insert “\$52,861,000,000”.

On page 24, line 25, strike “\$51,630,000,000” and insert “\$51,634,000,000”.

SA 865. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND TO MODERNIZE THE ARMED FORCES AND REQUIRE A MINIMUM BASELINE FOR DEFENSE FUNDING.

The Chairman of the Senate Committee on the Budget may revise the allocations of a

committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would guarantee a baseline budget (not including supplemental or war funding) that sets a spending floor for military investment and modernization to equip, train, and modernize a full-spectrum force to preserve America's security based on the gross domestic product of the United States and setting that minimum baseline at not less than 4 percent of the gross domestic product of the United States over the next 10 years, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal year 2009 through 2019.

SA 866. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. VITTER, Mr. ENZI, Mr. CORNYN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, insert the following:

SEC. . POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(b) DEFINITION.—In this section, the term “marriage penalty” means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

(c) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 867. Mrs. HUTCHISON (for herself, Mr. BOND, Mr. VITTER, Mr. ROBERTS, Mr. INHOFE, Mr. VOINOVICH, Mr. WICKER, Mr. BROWNBACK, Mr. CORNYN, Mr. COCHRAN, Mr. SHELBY, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 1 after “reduce our Nation's dependence on imported energy” insert “including through expanded offshore oil and gas production in the Outer Continental Shelf”.

SA 868. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. MARTINEZ, and Mr. ENZI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by \$2,860,000,000.

On page 3, line 14, decrease the amount by \$2,935,000,000.

On page 3, line 15, decrease the amount by \$2,993,000,000.

On page 4, line 7, decrease the amount by \$2,860,000,000.

On page 4, line 8, decrease the amount by \$2,935,000,000.

On page 4, line 9, decrease the amount by \$2,993,000,000.

On page 4, line 16, increase the amount by \$46,332,000.

On page 4, line 17, increase the amount by \$168,298,000.

On page 4, line 18, increase the amount by \$334,050,000.

On page 4, line 25, increase the amount by \$46,332,000.

On page 5, line 1, increase the amount by \$168,298,000.

On page 5, line 2, increase the amount by \$334,050,000.

On page 5, line 9, increase the amount by \$2,906,332,000.

On page 5, line 10, increase the amount by \$3,103,298,000.

On page 5, line 11, increase the amount by \$3,327,050,000.

On page 5, line 19, increase the amount by \$2,906,332,000.

On page 5, line 20, increase the amount by \$6,009,630,000.

On page 5, line 21, increase the amount by \$9,336,680,000.

On page 6, line 2, increase the amount by \$2,906,332,000.

On page 6, line 3, increase the amount by \$6,009,630,000.

On page 6, line 4, increase the amount by \$9,336,680,000.

On page 27, line 7, increase the amount by \$46,332,000.

On page 27, line 8, increase the amount by \$46,332,000.

On page 27, line 11, increase the amount by \$168,298,000.

On page 27, line 12, increase the amount by \$168,298,000.

On page 27, line 15, increase the amount by \$334,050,000.

On page 27, line 16, increase the amount by \$334,050,000.

SA 869. Mr. WHITEHOUSE (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

Section 202 is amended by inserting at the end the following: “(c) The Chairman of the Senate Committee on the Budget shall not

revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974, unless, the Senate finds that public health, the economy and national security of the United States are jeopardized by inaction on global warming.”

SA 870. Mr. THUNE (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by \$99,000,000.

On page 24, line 25, increase the amount by \$12,000,000.

On page 25, line 4, increase the amount by \$28,000,000.

On page 27, line 23, decrease the amount by \$99,000,000.

On page 27, line 24, decrease the amount by \$12,000,000.

On page 28, line 3, decrease the amount by \$28,000,000.

SA 871. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

SEC. ____ DEFICIT-MUTUAL RESERVE FUND TO PRESERVE THE INTEGRITY OF THE CENSUS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report to prohibit expenditure of any funds provided for developing and conducting the census by any Federal office or agency not within the jurisdiction of the Department of Commerce, by the amounts provided in that legislation for that purpose provided that such legislation would not increase spending over the total of the period of fiscal years 2009 through 2014, provided that such legislation would not increase revenues in any year in the period of fiscal years 2009 through 2019.

SA 872. Mr. DODD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of Title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 873. Mrs. LINCOLN (for herself, Mr. KYL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Ms. LANDRIEU, Mr. ENZI, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

(1) an estate tax exemption level of \$5,000,000, indexed for inflation,

(2) a maximum estate tax rate of 35 percent,

(3) a reunification of the estate and gift credits, and

(4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 874. Ms. LANDRIEU (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 875. Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 48, line 24, insert “including the identity of each entity to which the Board has provided such assistance, the value or amount of that financial assistance, and what that entity is doing with such financial assistance,” after “2008,”.

SA 876. Mrs. LINCOLN (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 30, line 10, strike “, households” and insert “(in particular to small business and individuals who are self-employed), households”.

SA 877. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert “such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.),” after “students,”.

SA 878. Mr. DODD (for himself and Mr. HATCH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$188,000,000.

On page 19, line 25, increase the amount by \$56,000,000.

On page 20, line 4, increase the amount by \$81,000,000.

On page 20, line 8, increase the amount by \$34,000,000.

On page 20, line 12, increase the amount by \$13,000,000.

On page 27, line 23, decrease the amount by \$188,000,000.

On page 27, line 24, decrease the amount by \$56,000,000.

On page 28, line 3, increase the amount by \$81,000,000.

On page 28, line 7, increase the amount by \$34,000,000.

On page 28, line 11, increase the amount by \$13,000,000.

SA 879. Ms. STABENOW (for herself, Mr. BROWN, Mrs. BOXER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 20, strike “or help” and insert “create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help”.

SA 880. Mrs. MURRAY (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports

that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 881. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 38, line 19, insert “, such as enhanced charitable giving from individual retirement accounts, including life-income gifts,” before “or refundable tax relief”.

Sec. 206(b) TAX RELIEF—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, or refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years

2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 882. Mr. McCAIN (for himself, Mr. COBURN, Mr. GRAHAM, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2019.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Deficit-reducing reserve funds for entitlement commissions—Social Security and Medicare & Medicaid.

Sec. 202. Sense of the Senate to protect seniors.

Sec. 203. Deficit-neutral reserve fund for comprehensive healthcare reform.

Sec. 204. Deficit neutral reserve fund for America's veterans and wounded servicemembers.

Sec. 205. Deficit-neutral reserve fund for energy security.

Sec. 206. Deficit-neutral reserve fund for tax code modernization.

Sec. 207. Deficit-neutral reserve fund for defense acquisition and contracting reform.

Sec. 208. Deficit-neutral reserve fund for a bipartisan, comprehensive investigation into the current financial crisis.

TITLE III—BUDGET PROCESS

SUBTITLE A—BUDGET ENFORCEMENT

Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.

Sec. 302. Point of order against advance appropriations.

Sec. 303. Emergency legislation.

Sec. 304. Point of order against legislation increasing short-term deficit.

SUBTITLE B—OTHER PROVISIONS

Sec. 311. Oversight of government performance.

Sec. 312. Budgetary treatment of certain discretionary administrative Expenses.

Sec. 313. Application and effect of changes in allocations and aggregates.

Sec. 314. Adjustments to reflect changes in concepts and definitions.

Sec. 315. Exercise of rulemaking powers.

Sec. 316. Cost estimates for conference reports and other measures.

Sec. 317. Limitation on long-term spending proposals

Sec. 318. Revenues collected from closing the tax gap are used only for debt reduction.

Sec. 319. Point of order to save Social Security first.

Sec. 320. Point of order against a budget resolution containing a debt-held-by-the—Public-to-GDP ratio that exceeds 65%.

Sec. 321. Point of order against a budget resolution containing deficit levels Exceeding 8% of GDP.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$2,186,000,000,000
Fiscal year 2010: \$2,332,000,000,000
Fiscal year 2011: \$2,651,000,000,000
Fiscal year 2012: \$2,858,000,000,000
Fiscal year 2013: \$3,025,000,000,000
Fiscal year 2014: \$3,166,000,000,000
Fiscal year 2015: \$3,329,000,000,000
Fiscal year 2016: \$3,470,000,000,000
Fiscal year 2017: \$3,625,000,000,000
Fiscal year 2018: \$3,771,000,000,000
Fiscal year 2019: \$3,923,000,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: \$0
Fiscal year 2010: \$-3,000,000,000
Fiscal year 2011: \$-132,000,000,000
Fiscal year 2012: \$-228,000,000,000
Fiscal year 2013: \$-257,000,000,000
Fiscal year 2014: \$-269,000,000,000
Fiscal year 2015: \$-280,000,000,000
Fiscal year 2016: \$-291,000,000,000
Fiscal year 2017: \$-302,000,000,000
Fiscal year 2018: \$-313,000,000,000
Fiscal year 2019: \$-325,000,000,000

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$4,193,877,000,000
Fiscal year 2010: \$3,394,550,000,000
Fiscal year 2011: \$3,310,202,000,000
Fiscal year 2012: \$3,311,270,000,000
Fiscal year 2013: \$3,486,786,000,000
Fiscal year 2014: \$3,661,286,000,000
Fiscal year 2015: \$3,810,805,000,000
Fiscal year 2016: \$3,995,116,000,000
Fiscal year 2017: \$4,135,327,000,000
Fiscal year 2018: \$4,290,116,000,000
Fiscal year 2019: \$4,402,012,000,000

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,878,339,000,000
Fiscal year 2010: \$3,521,269,000,000
Fiscal year 2011: \$3,499,706,000,000
Fiscal year 2012: \$3,360,164,000,000
Fiscal year 2013: \$3,501,902,000,000
Fiscal year 2014: \$3,649,795,000,000
Fiscal year 2015: \$3,788,924,000,000
Fiscal year 2016: \$3,973,146,000,000
Fiscal year 2017: \$4,105,805,000,000
Fiscal year 2018: \$4,254,933,000,000
Fiscal year 2019: \$4,370,163,000,000

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: \$-1,693,000,000,000
Fiscal year 2010: \$-1,190,000,000,000
Fiscal year 2011: \$-798,000,000,000
Fiscal year 2012: \$-502,000,000,000

Fiscal year 2013: \$-477,000,000,000

Fiscal year 2014: \$-484,000,000,000

Fiscal year 2015: \$-459,000,000,000

Fiscal year 2016: \$-503,000,000,000

Fiscal year 2017: \$-481,000,000,000

Fiscal year 2018: \$-484,000,000,000

Fiscal year 2019: \$-448,000,000,000

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$11,836,000,000,000
Fiscal year 2010: \$13,255,000,000,000
Fiscal year 2011: \$14,321,000,000,000
Fiscal year 2012: \$15,194,000,000,000
Fiscal year 2013: \$16,074,000,000,000
Fiscal year 2014: \$16,943,000,000,000
Fiscal year 2015: \$17,774,000,000,000
Fiscal year 2016: \$18,630,000,000,000
Fiscal year 2017: \$19,470,000,000,000
Fiscal year 2018: \$20,318,000,000,000
Fiscal year 2019: \$21,093,000,000,000

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,496,000,000,000
Fiscal year 2010: \$8,686,000,000,000
Fiscal year 2011: \$9,484,000,000,000
Fiscal year 2012: \$9,986,000,000,000
Fiscal year 2013: \$10,464,000,000,000
Fiscal year 2014: \$10,948,000,000,000
Fiscal year 2015: \$11,407,000,000,000
Fiscal year 2016: \$11,910,000,000,000
Fiscal year 2017: \$12,391,000,000,000
Fiscal year 2018: \$12,875,000,000,000
Fiscal year 2019: \$13,323,000,000,000

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$654,000,000,000
Fiscal year 2010: \$682,000,000,000
Fiscal year 2011: \$719,000,000,000
Fiscal year 2012: \$756,000,000,000
Fiscal year 2013: \$803,000,000,000
Fiscal year 2014: \$842,000,000,000
Fiscal year 2015: \$879,000,000,000
Fiscal year 2016: \$925,000,000,000
Fiscal year 2017: \$962,000,000,000
Fiscal year 2018: \$1,004,000,000,000
Fiscal year 2019: \$1,048,000,000,000

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$662,000,000,000
Fiscal year 2010: \$695,000,000,000
Fiscal year 2011: \$721,000,000,000
Fiscal year 2012: \$749,000,000,000
Fiscal year 2013: \$790,000,000,000
Fiscal year 2014: \$839,000,000,000
Fiscal year 2015: \$891,000,000,000
Fiscal year 2016: \$948,000,000,000
Fiscal year 2017: \$1,008,000,000,000
Fiscal year 2018: \$1,072,000,000,000
Fiscal year 2019: \$1,141,000,000,000

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) **NATIONAL DEFENSE (050):**

Fiscal year 2009:

(A) New budget authority, \$689,926,000,000

(B) Outlays, \$666,842,000,000

Fiscal year 2010:

(A) New budget authority, \$686,128,000,000

(B) Outlays, \$689,963,000,000
 Fiscal year 2011:
 (A) New budget authority, \$614,923,000,000
 (B) Outlays, \$657,207,000,000
 Fiscal year 2012:
 (A) New budget authority, \$623,612,000,000
 (B) Outlays, \$637,011,000,000
 Fiscal year 2013:
 (A) New budget authority, \$634,421,000,000
 (B) Outlays, \$636,332,000,000
 Fiscal year 2014:
 (A) New budget authority, \$648,249,000,000
 (B) Outlays, \$641,632,000,000
 Fiscal year 2015:
 (A) New budget authority, \$663,159,000,000
 (B) Outlays, \$653,234,000,000
 Fiscal year 2016:
 (A) New budget authority, \$678,149,000,000
 (B) Outlays, \$671,890,000,000
 Fiscal year 2017:
 (A) New budget authority, \$694,153,000,000
 (B) Outlays, \$683,256,000,000
 Fiscal year 2018:
 (A) New budget authority, \$709,147,000,000
 (B) Outlays, \$693,789,000,000
 Fiscal year 2019:
 (A) New budget authority, \$726,167,000,000
 (B) Outlays, \$714,089,000,000
 (2) INTERNATIONAL AFFAIRS (150):
 Fiscal year 2009:
 (A) New budget authority, \$57,114,000,000
 (B) Outlays, \$41,514,000,000
 Fiscal year 2010:
 (A) New budget authority, \$42,847,000,000
 (B) Outlays, \$43,622,000,000
 Fiscal year 2011:
 (A) New budget authority, \$43,167,000,000
 (B) Outlays, \$43,897,000,000
 Fiscal year 2012:
 (A) New budget authority, \$43,473,000,000
 (B) Outlays, \$43,985,000,000
 Fiscal year 2013:
 (A) New budget authority, \$43,759,000,000
 (B) Outlays, \$43,911,000,000
 Fiscal year 2014:
 (A) New budget authority, \$44,214,000,000
 (B) Outlays, \$43,866,000,000
 Fiscal year 2015:
 (A) New budget authority, \$44,847,000,000
 (B) Outlays, \$44,257,000,000
 Fiscal year 2016:
 (A) New budget authority, \$45,621,000,000
 (B) Outlays, \$44,870,000,000
 Fiscal year 2017:
 (A) New budget authority, \$46,430,000,000
 (B) Outlays, \$45,575,000,000
 Fiscal year 2018:
 (A) New budget authority, \$47,211,000,000
 (B) Outlays, \$46,301,000,000
 Fiscal year 2019:
 (A) New budget authority, \$48,084,000,000
 (B) Outlays, \$47,105,000,000
 (3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250):
 Fiscal year 2009:
 (A) New budget authority, \$35,264,000,000
 (B) Outlays, \$30,855,000,000
 Fiscal year 2010:
 (A) New budget authority, \$29,780,000,000
 (B) Outlays, \$31,707,000,000
 Fiscal year 2011:
 (A) New budget authority, \$30,007,000,000
 (B) Outlays, \$31,161,000,000
 Fiscal year 2012:
 (A) New budget authority, \$30,231,000,000
 (B) Outlays, \$30,214,000,000
 Fiscal year 2013:
 (A) New budget authority, \$30,432,000,000
 (B) Outlays, \$30,312,000,000
 Fiscal year 2014:
 (A) New budget authority, \$30,758,000,000
 (B) Outlays, \$30,584,000,000
 Fiscal year 2015:
 (A) New budget authority, \$30,703,000,000
 (B) Outlays, \$30,417,000,000
 Fiscal year 2016:
 (A) New budget authority, \$31,748,000,000
 (B) Outlays, \$31,359,000,000

Fiscal year 2017:
 (A) New budget authority, \$32,319,000,000
 (B) Outlays, \$31,984,000,000
 Fiscal year 2018:
 (A) New budget authority, \$32,872,000,000
 (B) Outlays, \$32,446,000,000
 Fiscal year 2019:
 (A) New budget authority, \$33,484,000,000
 (B) Outlays, \$33,028,000,000
 (4) ENERGY (270):
 Fiscal year 2009:
 (A) New budget authority, \$44,998,000,000
 (B) Outlays, \$5,350,000,000
 Fiscal year 2010:
 (A) New budget authority, \$5,568,000,000
 (B) Outlays, \$8,974,000,000
 Fiscal year 2011:
 (A) New budget authority, \$5,582,000,000
 (B) Outlays, \$11,303,000,000
 Fiscal year 2012:
 (A) New budget authority, \$5,459,000,000
 (B) Outlays, \$11,999,000,000
 Fiscal year 2013:
 (A) New budget authority, \$5,319,000,000
 (B) Outlays, \$7,091,000,000
 Fiscal year 2014:
 (A) New budget authority, \$5,175,000,000
 (B) Outlays, \$2,082,000,000
 Fiscal year 2015:
 (A) New budget authority, \$5,212,000,000
 (B) Outlays, \$3,214,000,000
 Fiscal year 2016:
 (A) New budget authority, \$5,325,000,000
 (B) Outlays, \$3,512,000,000
 Fiscal year 2017:
 (A) New budget authority, \$5,478,000,000
 (B) Outlays, \$3,765,000,000
 Fiscal year 2018:
 (A) New budget authority, \$5,567,000,000
 (B) Outlays, \$3,905,000,000
 Fiscal year 2019:
 (A) New budget authority, \$5,595,000,000
 (B) Outlays, \$4,502,000,000
 (5) NATURAL RESOURCES AND ENVIRONMENT (300):
 Fiscal year 2009:
 (A) New budget authority, \$54,596,000,000
 (B) Outlays, \$36,252,000,000
 Fiscal year 2010:
 (A) New budget authority, \$35,085,000,000
 (B) Outlays, \$38,866,000,000
 Fiscal year 2011:
 (A) New budget authority, \$35,772,000,000
 (B) Outlays, \$37,713,000,000
 Fiscal year 2012:
 (A) New budget authority, \$35,952,000,000
 (B) Outlays, \$36,983,000,000
 Fiscal year 2013:
 (A) New budget authority, \$36,160,000,000
 (B) Outlays, \$36,478,000,000
 Fiscal year 2014:
 (A) New budget authority, \$36,465,000,000
 (B) Outlays, \$36,631,000,000
 Fiscal year 2015:
 (A) New budget authority, \$36,714,000,000
 (B) Outlays, \$36,712,000,000
 Fiscal year 2016:
 (A) New budget authority, \$37,002,000,000
 (B) Outlays, \$36,845,000,000
 Fiscal year 2017:
 (A) New budget authority, \$37,312,000,000
 (B) Outlays, \$36,917,000,000
 Fiscal year 2018:
 (A) New budget authority, \$37,602,000,000
 (B) Outlays, \$36,923,000,000
 Fiscal year 2019:
 (A) New budget authority, \$37,952,000,000
 (B) Outlays, \$37,215,000,000
 (6) AGRICULTURE (350):
 Fiscal year 2009:
 (A) New budget authority, \$6,349,000,000
 (B) Outlays, \$6,111,000,000
 Fiscal year 2010:
 (A) New budget authority, \$6,131,000,000
 (B) Outlays, \$6,217,000,000
 Fiscal year 2011:
 (A) New budget authority, \$6,150,000,000
 (B) Outlays, \$6,133,000,000

Fiscal year 2012:
 (A) New budget authority, \$6,205,000,000
 (B) Outlays, \$6,159,000,000
 Fiscal year 2013:
 (A) New budget authority, \$6,261,000,000
 (B) Outlays, \$6,207,000,000
 Fiscal year 2014:
 (A) New budget authority, \$6,319,000,000
 (B) Outlays, \$6,261,000,000
 Fiscal year 2015:
 (A) New budget authority, \$6,359,000,000
 (B) Outlays, \$6,275,000,000
 Fiscal year 2016:
 (A) New budget authority, \$6,402,000,000
 (B) Outlays, \$6,312,000,000
 Fiscal year 2017:
 (A) New budget authority, \$6,455,000,000
 (B) Outlays, \$6,345,000,000
 Fiscal year 2018:
 (A) New budget authority, \$6,507,000,000
 (B) Outlays, \$6,401,000,000
 Fiscal year 2019:
 (A) New budget authority, \$6,601,000,000
 (B) Outlays, \$6,532,000,000
 (7) COMMERCE AND HOUSING CREDIT (370):
 Fiscal year 2009:
 (A) New budget authority, \$13,216,000,000
 (B) Outlays, \$6,253,000,000
 Fiscal year 2010:
 (A) New budget authority, \$6,197,000,000
 (B) Outlays, \$8,977,000,000
 Fiscal year 2011:
 (A) New budget authority, \$6,055,000,000
 (B) Outlays, \$6,847,000,000
 Fiscal year 2012:
 (A) New budget authority, \$6,097,000,000
 (B) Outlays, \$7,436,000,000
 Fiscal year 2013:
 (A) New budget authority, \$5,982,000,000
 (B) Outlays, \$7,180,000,000
 Fiscal year 2014:
 (A) New budget authority, \$5,909,000,000
 (B) Outlays, \$6,250,000,000
 Fiscal year 2015:
 (A) New budget authority, \$5,860,000,000
 (B) Outlays, \$5,915,000,000
 Fiscal year 2016:
 (A) New budget authority, \$5,855,000,000
 (B) Outlays, \$5,748,000,000
 Fiscal year 2017:
 (A) New budget authority, \$5,839,000,000
 (B) Outlays, \$5,730,000,000
 Fiscal year 2018:
 (A) New budget authority, \$5,814,000,000
 (B) Outlays, \$5,701,000,000
 Fiscal year 2019:
 (A) New budget authority, \$5,793,000,000
 (B) Outlays, \$5,675,000,000
 (8) TRANSPORTATION (400):
 Fiscal year 2009:
 (A) New budget authority, \$79,061,000,000
 (B) Outlays, \$85,668,000,000
 Fiscal year 2010:
 (A) New budget authority, \$30,312,000,000
 (B) Outlays, \$92,847,000,000
 Fiscal year 2011:
 (A) New budget authority, \$30,717,000,000
 (B) Outlays, \$93,051,000,000
 Fiscal year 2012:
 (A) New budget authority, \$31,140,000,000
 (B) Outlays, \$92,082,000,000
 Fiscal year 2013:
 (A) New budget authority, \$31,544,000,000
 (B) Outlays, \$92,110,000,000
 Fiscal year 2014:
 (A) New budget authority, \$32,105,000,000
 (B) Outlays, \$92,296,000,000
 Fiscal year 2015:
 (A) New budget authority, \$32,806,000,000
 (B) Outlays, \$91,863,000,000
 Fiscal year 2016:
 (A) New budget authority, \$33,656,000,000
 (B) Outlays, \$90,792,000,000
 Fiscal year 2017:
 (A) New budget authority, \$34,545,000,000
 (B) Outlays, \$90,908,000,000
 Fiscal year 2018:

<p>(A) New budget authority, \$35,432,000,000 (B) Outlays, \$92,372,000,000 Fiscal year 2019: (A) New budget authority, \$36,385,000,000 (B) Outlays, \$93,932,000,000 (9) COMMUNITY AND REGIONAL DEVELOPMENT (450): Fiscal year 2009: (A) New budget authority, \$23,006,000,000 (B) Outlays, \$26,252,000,000 Fiscal year 2010: (A) New budget authority, \$14,959,000,000 (B) Outlays, \$26,337,000,000 Fiscal year 2011: (A) New budget authority, \$15,070,000,000 (B) Outlays, \$24,669,000,000 Fiscal year 2012: (A) New budget authority, \$15,179,000,000 (B) Outlays, \$21,493,000,000 Fiscal year 2013: (A) New budget authority, \$15,277,000,000 (B) Outlays, \$18,981,000,000 Fiscal year 2014: (A) New budget authority, \$15,435,000,000 (B) Outlays, \$17,445,000,000 Fiscal year 2015: (A) New budget authority, \$15,662,000,000 (B) Outlays, \$16,156,000,000 Fiscal year 2016: (A) New budget authority, \$15,932,000,000 (B) Outlays, \$15,504,000,000 Fiscal year 2017: (A) New budget authority, \$16,215,000,000 (B) Outlays, \$15,664,000,000 Fiscal year 2018: (A) New budget authority, \$16,481,000,000 (B) Outlays, \$15,911,000,000 Fiscal year 2019: (A) New budget authority, \$16,787,000,000 (B) Outlays, \$16,153,000,000 (10) EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES (500): Fiscal year 2009: (A) New budget authority, \$188,508,000,000 (B) Outlays, \$94,814,000,000 Fiscal year 2010: (A) New budget authority, \$89,417,000,000 (B) Outlays, \$138,899,000,000 Fiscal year 2011: (A) New budget authority, \$90,007,000,000 (B) Outlays, \$127,810,000,000 Fiscal year 2012: (A) New budget authority, \$90,588,000,000 (B) Outlays, \$98,331,000,000 Fiscal year 2013: (A) New budget authority, \$91,092,000,000 (B) Outlays, \$94,666,000,000 Fiscal year 2014: (A) New budget authority, \$91,948,000,000 (B) Outlays, \$94,142,000,000 Fiscal year 2015: (A) New budget authority, \$93,164,000,000 (B) Outlays, \$95,075,000,000 Fiscal year 2016: (A) New budget authority, \$94,657,000,000 (B) Outlays, \$96,402,000,000 Fiscal year 2017: (A) New budget authority, \$96,235,000,000 (B) Outlays, \$97,938,000,000 Fiscal year 2018: (A) New budget authority, \$97,739,000,000 (B) Outlays, \$99,507,000,000 Fiscal year 2019: (A) New budget authority, \$99,415,000,000 (B) Outlays, \$101,130,000,000 (11) HEALTH (550): (A) New budget authority, \$75,483,000,000 (B) Outlays, \$57,635,000,000 Fiscal year 2010: (A) New budget authority, \$56,948,000,000 (B) Outlays, \$64,243,000,000 Fiscal year 2011: (A) New budget authority, \$57,413,000,000 (B) Outlays, \$62,603,000,000 Fiscal year 2012: (A) New budget authority, \$57,881,000,000 (B) Outlays, \$59,451,000,000 Fiscal year 2013:</p>	<p>(A) New budget authority, \$58,305,000,000 (B) Outlays, \$57,913,000,000 Fiscal year 2014: (A) New budget authority, \$58,971,000,000 (B) Outlays, \$58,176,000,000 Fiscal year 2015: (A) New budget authority, \$59,879,000,000 (B) Outlays, \$58,713,000,000 Fiscal year 2016: (A) New budget authority, \$60,974,000,000 (B) Outlays, \$59,583,000,000 Fiscal year 2017: (A) New budget authority, \$62,124,000,000 (B) Outlays, \$60,662,000,000 Fiscal year 2018: (A) New budget authority, \$63,242,000,000 (B) Outlays, \$61,727,000,000 Fiscal year 2019: (A) New budget authority, \$64,465,000,000 (B) Outlays, \$62,697,000,000 (12) MEDICARE (570): Fiscal year 2009: (A) New budget authority, \$5,390,000,000 (B) Outlays, \$5,255,000,000 Fiscal year 2010: (A) New budget authority, \$5,595,000,000 (B) Outlays, \$5,566,000,000 Fiscal year 2011: (A) New budget authority, \$5,819,000,000 (B) Outlays, \$5,781,000,000 Fiscal year 2012: (A) New budget authority, \$5,852,000,000 (B) Outlays, \$5,828,000,000 Fiscal year 2013: (A) New budget authority, \$5,893,000,000 (B) Outlays, \$5,855,000,000 Fiscal year 2014: (A) New budget authority, \$5,927,000,000 (B) Outlays, \$5,920,000,000 Fiscal year 2015: (A) New budget authority, \$5,967,000,000 (B) Outlays, \$5,935,000,000 Fiscal year 2016: (A) New budget authority, \$6,004,000,000 (B) Outlays, \$5,955,000,000 Fiscal year 2017: (A) New budget authority, \$6,035,000,000 (B) Outlays, \$5,962,000,000 Fiscal year 2018: (A) New budget authority, \$6,065,000,000 (B) Outlays, \$5,975,000,000 Fiscal year 2019: (A) New budget authority, \$6,085,000,000 (B) Outlays, \$5,992,000,000 (13) INCOME SECURITY (600): Fiscal year 2009: (A) New budget authority, \$74,067,000,000 (B) Outlays, \$64,056,000,000 Fiscal year 2010: (A) New budget authority, \$62,365,000,000 (B) Outlays, \$67,580,000,000 Fiscal year 2011: (A) New budget authority, \$62,275,000,000 (B) Outlays, \$67,880,000,000 Fiscal year 2012: (A) New budget authority, \$62,540,000,000 (B) Outlays, \$66,271,000,000 Fiscal year 2013: (A) New budget authority, \$62,803,000,000 (B) Outlays, \$65,341,000,000 Fiscal year 2014: (A) New budget authority, \$63,328,000,000 (B) Outlays, \$64,169,000,000 Fiscal year 2015: (A) New budget authority, \$64,221,000,000 (B) Outlays, \$64,804,000,000 Fiscal year 2016: (A) New budget authority, \$65,362,000,000 (B) Outlays, \$65,660,000,000 Fiscal year 2017: (A) New budget authority, \$66,561,000,000 (B) Outlays, \$66,690,000,000 Fiscal year 2018: (A) New budget authority, \$67,716,000,000 (B) Outlays, \$67,735,000,000 Fiscal year 2019: (A) New budget authority, \$68,976,000,000 (B) Outlays, \$68,840,000,000</p>	<p>(14) SOCIAL SECURITY (650): Fiscal year 2009: (A) New budget authority, \$6,386,000,000 (B) Outlays, \$5,479,000,000 Fiscal year 2010: (A) New budget authority, \$5,460,000,000 (B) Outlays, \$5,549,000,000 Fiscal year 2011: (A) New budget authority, \$5,545,000,000 (B) Outlays, \$5,655,000,000 Fiscal year 2012: (A) New budget authority, \$5,630,000,000 (B) Outlays, \$5,763,000,000 Fiscal year 2013: (A) New budget authority, \$5,716,000,000 (B) Outlays, \$5,849,000,000 Fiscal year 2014: (A) New budget authority, \$5,830,000,000 (B) Outlays, \$5,809,000,000 Fiscal year 2015: (A) New budget authority, \$5,969,000,000 (B) Outlays, \$5,942,000,000 Fiscal year 2016: (A) New budget authority, \$6,135,000,000 (B) Outlays, \$6,103,000,000 Fiscal year 2017: (A) New budget authority, \$6,306,000,000 (B) Outlays, \$6,271,000,000 Fiscal year 2018: (A) New budget authority, \$6,479,000,000 (B) Outlays, \$6,443,000,000 Fiscal year 2019: (A) New budget authority, \$6,665,000,000 (B) Outlays, \$6,627,000,000 (15) VETERANS BENEFITS AND SERVICES (700): Fiscal year 2009: (A) New budget authority, \$49,394,000,000 (B) Outlays, \$46,757,000,000 Fiscal year 2010: (A) New budget authority, \$53,263,000,000 (B) Outlays, \$52,474,000,000 Fiscal year 2011: (A) New budget authority, \$54,417,000,000 (B) Outlays, \$53,972,000,000 Fiscal year 2012: (A) New budget authority, \$55,855,000,000 (B) Outlays, \$55,487,000,000 Fiscal year 2013: (A) New budget authority, \$57,384,000,000 (B) Outlays, \$56,932,000,000 Fiscal year 2014: (A) New budget authority, \$58,969,000,000 (B) Outlays, \$58,519,000,000 Fiscal year 2015: (A) New budget authority, \$60,971,000,000 (B) Outlays, \$59,265,000,000 Fiscal year 2016: (A) New budget authority, \$62,494,000,000 (B) Outlays, \$61,978,000,000 Fiscal year 2017: (A) New budget authority, \$64,367,000,000 (B) Outlays, \$63,067,000,000 Fiscal year 2018: (A) New budget authority, \$65,404,000,000 (B) Outlays, \$65,012,000,000 Fiscal year 2019: (A) New budget authority, \$67,415,000,000 (B) Outlays, \$65,345,000,000 (16) ADMINISTRATION OF JUSTICE (750): Fiscal year 2009: (A) New budget authority, \$54,099,000,000 (B) Outlays, \$48,018,000,000 Fiscal year 2010: (A) New budget authority, \$48,763,000,000 (B) Outlays, \$49,470,000,000 Fiscal year 2011: (A) New budget authority, \$50,595,000,000 (B) Outlays, \$51,525,000,000 Fiscal year 2012: (A) New budget authority, \$50,506,000,000 (B) Outlays, \$51,416,000,000 Fiscal year 2013: (A) New budget authority, \$50,389,000,000 (B) Outlays, \$51,428,000,000 Fiscal year 2014: (A) New budget authority, \$50,263,000,000</p>
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(B) Outlays, \$50,466,000,000
Fiscal year 2015:
(A) New budget authority, \$50,156,000,000
(B) Outlays, \$49,725,000,000
Fiscal year 2016:
(A) New budget authority, \$50,012,000,000
(B) Outlays, \$49,250,000,000
Fiscal year 2017:
(A) New budget authority, \$50,023,000,000
(B) Outlays, \$49,366,000,000
Fiscal year 2018:
(A) New budget authority, \$50,015,000,000
(B) Outlays, \$49,501,000,000
Fiscal year 2019:
(A) New budget authority, \$50,247,000,000
(B) Outlays, \$46,565,000,000
(17) GENERAL GOVERNMENT (800):
Fiscal year 2009:
(A) New budget authority, \$24,562,000,000
(B) Outlays, \$18,861,000,000
Fiscal year 2010:
(A) New budget authority, \$18,976,000,000
(B) Outlays, \$19,896,000,000
Fiscal year 2011:
(A) New budget authority, \$19,286,000,000
(B) Outlays, \$20,181,000,000
Fiscal year 2012:
(A) New budget authority, \$19,598,000,000
(B) Outlays, \$20,541,000,000
Fiscal year 2013:
(A) New budget authority, \$19,915,000,000
(B) Outlays, \$20,781,000,000
Fiscal year 2014:
(A) New budget authority, \$20,320,000,000
(B) Outlays, \$20,662,000,000
Fiscal year 2015:
(A) New budget authority, \$20,828,000,000
(B) Outlays, \$20,951,000,000
Fiscal year 2016:
(A) New budget authority, \$21,426,000,000
(B) Outlays, \$21,366,000,000
Fiscal year 2017:
(A) New budget authority, \$22,039,000,000
(B) Outlays, \$21,854,000,000
Fiscal year 2018:
(A) New budget authority, \$22,668,000,000
(B) Outlays, \$22,427,000,000
Fiscal year 2019:
(A) New budget authority, \$23,330,000,000
(B) Outlays, \$22,873,000,000

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-REDUCING RESERVE FUNDS FOR ENTITLEMENT COMMISSIONS—SOCIAL SECURITY AND MEDICARE & MEDICAID.

(a) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for a BRAC-like commission to review the current and long-term solvency of Social Security and a BRAC-like commission to review the current and long-term solvency of Medicare and Medicaid, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) These commissions will provide recommendations to reduce mandatory spending by at least four percent over the next five years, and seven percent over the next ten years.

(c) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than means testing for high-income beneficiaries under the prescription drug benefit under Part D).

SEC. 202. SENSE OF THE SENATE TO PROTECT SENIORS.

SENSE OF THE SENATE—It is the sense of the Senate that—

(a) This budget should preserve existing Medicare benefits for those beneficiaries age

55 or older (other than means testing for high-income beneficiaries under the Medicare prescription drug benefit).

(b) To make the program sustainable and dependable—

(1) Those 54 and younger should be able to enroll in a new Medicare Program with health coverage similar to what is now available to Members of Congress and Federal employees; and

(2) Starting in 2021, seniors should receive support payments based on income, so that low income seniors receive extra support, and high income seniors receive support relative to their incomes.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE HEALTHCARE REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address health care costs, coverage, and care in the United States in a manner that reduces the costs of health care, increases access to health insurance, and improves the transparency of the costs and quality for medical care, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, and eliminate the offset between Survivor Benefit Plan annuities and Veteran's Dependency and Indemnity Compensation, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote energy security activities including, but not limited to, increasing funding for waste storage alternatives, advanced technology assessment and deployment for clean coal and carbon capture and storage, and clean energy deployment including increasing the use of nuclear power and refurbishing the transmission grid, and allowing loans under the Department of Energy's Innovative Technology Loan Guarantee Program of up to \$50,000,000,000 for the purposes of constructing nuclear power generating units, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR TAX CODE MODERNIZATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a

committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for revenue-neutral income (including AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance and aids U.S. international competitiveness, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts; or

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR A BIPARTISAN, COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports for a select senate committee to carry out a bipartisan, comprehensive investigation into the underlying causes of the current economic crisis, and recommend ways to avoid another crisis, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

TITLE III—BUDGETARY PROCESS

SUBTITLE A—BUDGET ENFORCEMENT

SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited

to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) **SENATE DISCRETIONARY SPENDING LIMITS.**—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) with respect to fiscal year 2009—

(A) for the defense category \$689,926,000,000 in new budget authority and \$666,842,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$49,394,000,000 in new budget authority and \$46,757,000,000 in outlays; and

(C) for the nondefense/non-VA category \$742,099,000,000 in new budget authority and \$532,373,000,000 in outlays.

(2) with respect to fiscal year 2010—

(A) for the defense category \$686,128,000,000 in new budget authority and \$689,963,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c);

(B) for the Veterans Affairs (VA) category \$53,263,000,000 in new budget authority and \$52,274,000,000 in outlays; as adjusted in conformance with the adjustment procedures in subsection (c); and

(C) for the nondefense category \$458,515,000,000 in new budget authority and \$608,750,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c).

(3) with respect to fiscal year 2011—

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(4) with respect to fiscal year 2012—

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(5) with respect to fiscal year 2013—

(A) for the defense category \$634,421,000,000 in new budget authority and \$636,332,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$57,384,000,000 in new budget authority and \$56,932,000,000 in outlays; and

(C) for the nondefense/non-VA category \$468,849,000,000 in new budget authority and \$544,103,000,000 in outlays.

(6) with respect to fiscal year 2014—

(A) for the defense category \$648,249,000,000 in new budget authority and \$641,632,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$58,969,000,000 in new budget authority and \$58,515,000,000 in outlays; and

(C) for the nondefense/non-VA category \$472,964,000,000 in new budget authority and \$534,759,000,000 in outlays.

(7) with respect to fiscal year 2015—

(A) for the defense category \$663,159,000,000 in new budget authority and \$665,234,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$60,971,000,000 in new budget authority and \$59,265,000,000 in outlays; and

(C) for the nondefense/non-VA category \$478,347,000,000 in new budget authority and \$535,954,000,000 in outlays.

(8) with respect to fiscal year 2016—

(A) for the defense category \$678,149,000,000 in new budget authority and \$671,890,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$62,494,000,000 in new budget authority and \$61,978,000,000 in outlays; and

(C) for the nondefense/non-VA category \$486,111,000,000 in new budget authority and \$539,261,000,000 in outlays.

(9) with respect to fiscal year 2017—

(A) for the defense category \$694,153,000,000 in new budget authority and \$683,256,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$64,367,000,000 in new budget authority and \$63,067,000,000 in outlays; and

(C) for the nondefense/non-VA category \$493,916,000,000 in new budget authority and \$545,501,000,000 in outlays.

(10) with respect to fiscal year 2018—

(A) for the defense category \$709,147,000,000 in new budget authority and \$693,789,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$65,404,000,000 in new budget authority and \$65,012,000,000 in outlays; and

(C) for the nondefense/non-VA category \$501,500,000,000 in new budget authority and \$553,275,000,000 in outlays.

(11) with respect to fiscal year 2019—

(A) for the defense category \$726,167,000,000 in new budget authority and \$714,089,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$67,415,000,000 in new budget authority and \$65,345,000,000 in outlays; and

(C) for the nondefense/non-VA category \$509,864,000,000 in new budget authority and \$558,866,000,000 in outlays.

(c) **ADJUSTMENTS IN THE SENATE.**—

(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) **ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.**—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports; making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(3) **REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.**—

(A) **IN GENERAL.**—If after adoption of this resolution by the Congress, the Congress-

sional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) **SUBALLOCATIONS.**—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) **INAPPLICABILITY.**—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) **IN GENERAL.**—

(1) **POINT OF ORDER.**—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) **DEFINITION.**—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) **EXCEPTIONS.**—Advance appropriations may be provided for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) **FORM OF POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate

amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2018.

(e) INAPPLICABILITY.—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SUBTITLE B—OTHER PROVISIONS

SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 315. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 316. COST ESTIMATES FOR CONFERENCE REPORTS AND OTHER MEASURES.

It shall not be in order to consider a conference report, bill, or joint resolution unless

an estimate of costs has been printed in the Congressional Record at least one day before its consideration.

SEC. 317. LIMITATION ON LONG-TERM SPENDING PROPOSALS

It shall not be in order to consider any bill or joint resolution reported from a committee if such bill or resolution is not accompanied by a cost estimate prepared by the Congressional Budget Office on whether or not the measure would cause a net increase in direct spending in excess of \$5 billion in any of the four next five-year periods.

SEC. 318. REVENUES COLLECTED FROM CLOSING THE TAX GAP ARE USED ONLY FOR DEBT REDUCTION.

(a) SPECIAL SCOREKEEPING RULE IN THE SENATE.—

(1) REPORT TO BUDGET COMMITTEE.—When a bill is cleared for the President, the Congressional Budget Office (CBO), pursuant to section 202 of the Congressional Budget Act of 1974, and the Joint Committee on Taxation shall inform the Chairman of the Committee on the Budget if that measure contains provisions that increase revenues from closing the tax gap. The report shall include the amount of revenue raised each year including the current year, the budget year, and for each of the 10 years following the current year.

(2) EXCLUSION FROM PAY-AS-YOU-GO SCORECARD.—Any revenue raised from provisions to close the tax gap (as detailed in the report described in (a)(1)) shall not count as offsets for purposes of section 201 of S. Con. Res. 21, the FY 2008 Budget Resolution.

(b) CRITERIA AND DEFINITIONS.—

(1) The tax gap is the difference between the revenue that is owed to the federal government in accordance with existing tax law and the revenue that is collected by the federal government.

(2) The tax gap is a combination of inadvertent errors and deliberate evasion.

(3) Revenues raised from changes to withholding or payment reporting requirements are examples of efforts to close the tax gap.

(4) The tax gap is not about clarifying existing law in order to close loopholes, broadening the tax base, raising tax rates, or any other action that would change existing tax law.

SEC. 319. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending legislation that would increase the on-budget deficit above the amounts provided for in this resolution in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 320. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING A DEBT HELD BY THE PUBLIC-TO-GDP RATIO THAT EXCEEDS 65%.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains a ratio of debt held by the public-to-Gross Domestic Product which exceeds 65% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEBT LEVELS.—For purposes of this section, the debt level shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SEC. 321. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING DEFICIT LEVELS EXCEEDING 8% OF GDP.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains deficits as a percentage of the Gross Domestic Product in excess of 8% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEFICIT LEVELS.—For purposes of this section, the deficit as a percentage of Gross Domestic Product shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SA 883. Ms. COLLINS (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert “such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.),” after “students.”

SA 884. Mr. SESSIONS (for himself, Mr. KYL, Ms. MURKOWSKI, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 50, line 13, decrease the amount by \$9,446,939,000.

On page 50, line 14, decrease the amount by \$9,446,939,000.

On page 54, between lines 21 and 22, insert the following:

(F) BALLISTIC MISSILE DEFENSE.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$9,446,939,000 to the Department of Defense to develop and field an integrated, layered, ballistic missile defense system to defend the United States, its deployed forces, allies, and friends against all ranges of enemy ballistic missiles in all phases of flight, then the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates may be adjusted by the amount provided in such legislation for that purpose, but not to exceed \$9,446,939,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

SA 885. Mr. BENNETT (for himself, Mr. GRAHAM, Mr. CRAPO, Mr. BINGAMAN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 886. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 46, between lines 2 and 3, insert the following:

(c) FOOD SAFETY.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the

United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 887. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 32, line 10, after “increases;” insert “or” and the following:

(4) promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending;

SA 888. Mr. BROWN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, between lines 2 and 3, insert the following:

(c) **EXCEPTION.**—Notwithstanding subsections (a) and (b), the Chairman of the Committee on the Budget of the Senate shall not revise the allocations in this resolution if the legislation described in subsection (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) unless, in accordance with the requirement to not increase the deficit, an amount equal to the value of all allowances from legislation described in subsection (b) is used for—

(1) the creation of new jobs in a clean technology economy;

(2) transition assistance relating to consumers, industries, workers, and regions adversely affected by climate change and climate change policy; and

(3) other purposes relating directly to the objective of the legislation addressing greenhouse gas emissions.

SA 889. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations,

aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 890. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by \$50,000,000.

On page 13, line 22, increase the amount by \$50,000,000.

On page 27, line 23, decrease the amount by \$50,000,000.

On page 27, line 24, decrease the amount by \$50,000,000.

SA 891. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND TO DISCLOSE THE ROLE OF CONGRESS IN AMERICAN INTERNATIONAL GROUP'S BONUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that requires that the White House, the Federal Reserve Board, the Department of the Treasury, and all Senate officers must post on their website all documents and emails relating to the origin, development and inclusion of the questionable American International Group bonus language that was secretly inserted into the American Recovery and Reinvestment Act of 2009 by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 892. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SA 893. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. . DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and

(3) every standing committee of the Senate to conduct at least one oversight hearing each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 894. Mr. COBURN submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SA 895. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SA 896. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR REQUIRING TRANSPARENCY AND ACCOUNTABILITY OF UNITED NATIONS SPENDING OF UNITED STATES FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would require the United Nations to be transparent and accountable for how it spends United States funding, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SA 897. Mr. CRAPO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by \$1,658,000,000.

On page 3, line 12, decrease the amount by \$8,604,000,000.

On page 3, line 13, increase the amount by \$3,863,000,000.

On page 3, line 14, decrease the amount by \$8,763,000,000.

On page 3, line 15, decrease the amount by \$9,448,000,000.

On page 4, line 5, decrease the amount by \$1,658,000,000.

On page 4, line 6, decrease the amount by \$8,604,000,000.

On page 4, line 7, increase the amount by \$3,863,000,000.

On page 4, line 8, decrease the amount by \$8,763,000,000.

On page 4, line 9, decrease the amount by \$9,448,000,000.

On page 4, line 14, increase the amount by \$13,431,000.

On page 4, line 15, increase the amount by \$130,147,000.

On page 4, line 16, increase the amount by \$226,143,000.

On page 4, line 17, increase the amount by \$424,032,000.

On page 4, line 18, increase the amount by \$908,109,000.

On page 4, line 23, increase the amount by \$13,431,000.

On page 4, line 24, increase the amount by \$130,147,000.

On page 4, line 25, increase the amount by \$226,143,000.

On page 5, line 1, increase the amount by \$424,032,000.

On page 5, line 2, increase the amount by \$908,109,000.

On page 5, line 7, increase the amount by \$1,828,431,000.

On page 5, line 8, increase the amount by \$8,601,147,000.

On page 5, line 9, decrease the amount by \$3,237,857,000.

On page 5, line 10, increase the amount by \$8,985,032,000.

On page 5, line 11, increase the amount by \$9,929,109,000.

On page 5, line 17, increase the amount by \$1,828,431,000.

On page 5, line 18, increase the amount by \$10,429,578,000.

On page 5, line 19, increase the amount by \$7,191,721,000.

On page 5, line 20, increase the amount by \$16,176,753,000.

On page 5, line 21, increase the amount by \$26,105,862,000.

On page 5, line 25, increase the amount by \$1,828,431,000.

On page 6, line 1, increase the amount by \$10,429,578,000.

On page 6, line 2, increase the amount by \$7,191,721,000.

On page 6, line 3, increase the amount by \$16,176,753,000.

On page 6, line 4, increase the amount by \$26,105,862,000.

On page 26, line 24, increase the amount by \$13,431,000.

On page 26, line 25, increase the amount by \$13,431,000.

On page 27, line 3, increase the amount by \$130,147,000.

On page 27, line 4, increase the amount by \$130,147,000.

On page 27, line 7, increase the amount by \$226,143,000.

On page 27, line 8, increase the amount by \$226,143,000.

On page 27, line 11, increase the amount by \$424,032,000.

On page 27, line 12, increase the amount by \$424,032,000.

On page 27, line 15, increase the amount by \$908,109,000.

On page 27, line 16, increase the amount by \$908,109,000.

SA 898. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____ . POINT OF ORDER TO PROTECT SOCIAL SECURITY.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending legislation in any fiscal year unless the Office of the Chief Actuary of the Social Security Administration has certified that income, excluding interest, into the Old-Age, Survivors, and Disability Insurance Trust Funds is projected to exceed outlays by at least \$5,000,000,000 in all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUSPENSION OF REQUIREMENT DURING WAR OR AFTER ENACTMENT OF LEGISLATION TO RESTORE SOLVENCY.—

(1) LEGISLATION TO RESTORE SUSTAINABLE SOLVENCY.—If the President submits legislation to Congress and Congress enacts legislation which would restore sustainable solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Office of the Chief Actuary of the Social Security Administration, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(3) DEFINITION.—In this subsection, the term “sustainable solvency” means that the Old-Age, Survivors, and Disability Insurance Trust Funds have a positive trust fund ratio throughout the 75-year projection period and the ratio is stable or rising at the end of the period.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in

the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 899. Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

SA 900. Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 6, insert "include the State of Alaska as a Gulf producing State eligible for qualified outer Continental Shelf revenues under the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432)," before "or preserve".

SA 901. Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 35, strike line 11 and insert the following:

(a) **INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The Chairman of the Senate

On page 35, between lines 23 and 24, insert the following:

The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Com-

mission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681-637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

SA 902. Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by \$10,000,000.

On page 13, line 22, increase the amount by \$9,000,000.

On page 14, line 1, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$10,000,000.

On page 27, line 24, decrease the amount by \$9,000,000.

On page 28, line 3, decrease the amount by \$1,000,000.

SA 903. Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 5, before "implement", insert "set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute,".

SA 904. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 905. Ms. SNOWE (for herself and Mr. CARDIN) submitted an amendment

intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 43, after line 25, add the following:

(4) improve the HUBZone program established under section 31 of the Small Business Act (15 U.S.C. 657a) in a manner consistent with the recommendations of the Government Accountability Office in the reports entitled "Small Business Administration: Additional Actions Are Needed to Certify and Monitor HUBZone Businesses and Assess Program Results" (GAO-08-643), issued June 2008, "HUBZone Program: SBA's Control Weaknesses Exposed the Government to Fraud and Abuse" (GAO-08-964T), issued July 17, 2008, and "HUBZone Program: Fraud and Abuse Identified in Four Metropolitan Areas" (GAO-09-519T), issued March 25, 2009;

SA 906. Ms. MURKOWSKI (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 ____ . DEFICIT-NEUTRAL RESERVE FUND FOR CERTAIN OIL AND NATURAL GAS LEASING ACTIVITIES.

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow any coastal State (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) to participate in the oil and natural gas leasing program under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(2) provide that any revenues from leases granted under paragraph (1) shall be allocated in accordance with section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432), including the provisions of that Act providing for the disposition of revenues in the general fund of the Treasury and the allocation of funds to carry out the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 907. Ms. MURKOWSKI (for herself and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels

for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 _____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE DOMESTIC ENERGY SECURITY BY PERMITTING ENVIRONMENTALLY SUSTAINABLE SUB-SURFACE DEVELOPMENT AND PRODUCTION IN THE ARCTIC NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize legislation that would permit the exploration, leasing, and development and production without surface occupancy of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 908. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 _____. DEFICIT-NEUTRAL RESERVE FUND TO AUTHORIZE THE EXPLORATION AND DEVELOPMENT OF ENERGY RESOURCES OF THE OUTER CONTINENTAL SHELF AND OTHER PUBLIC LAND.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize the establishment, assessment, and collection of reasonable fees by the National Marine Fisheries Service, and the acceptance of land, buildings, equipment, and other contributions (including funding) from public and private sources, to conduct work associated with the support of the orderly exploration and development of energy resources of the outer Continental Shelf and other public land.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 909. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. _____. POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT DOUBLE THE DEBT HELD BY THE PUBLIC.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that doubles or more than doubles the debt held by the public for the budget year and any subsequent fiscal year covered by the resolution compared to the current year covered by the resolution.

(b) SUSPENSION OF REQUIREMENT DURING WAR.—If a declaration of war is in effect, this section is suspended.

(c) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(d) BUDGET YEAR.—In this section, the term “budget year” shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 910. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. _____. POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE INCOME TAXPAYERS.—The term “middle-income” taxpayers means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) NATIONAL ENERGY TAX INCREASE.—The term “National energy tax increase” means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

SA 911. Mr. BEGICH submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 33, line 6, before “or preserve”, insert “rebuild United States fish stocks, promote fisheries bycatch monitoring, conduct fisheries habitats assessments,”.

SA 912. Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 41, line 24, insert after “Indemnity Compensation,” the following: “provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II,”.

SA 913. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 48, line 21, strike “banks” and all that follows through “purposes,” on line 25 and insert the following “banks, to include (1) an evaluation of the appropriate number and the associated costs of Federal reserve banks; (2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of (A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis; (B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes,”.

SA 914. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for

fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND TO MEET INTERNATIONAL CLIMATE CHANGE COMMITMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report to meet any future commitments of the United States for financial and technological assistance to developing countries under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 915. Mr. TESTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by \$528,000,000.

On page 13, line 22, increase the amount by \$317,000,000.

On page 14, line 1, increase the amount by \$132,000,000.

On page 14, line 5, increase the amount by \$79,000,000.

On page 27, line 23, decrease the amount by \$528,000,000.

On page 27, line 24, decrease the amount by \$317,000,000.

On page 28, line 3, decrease the amount by \$132,000,000.

On page 28, line 7, decrease the amount by \$79,000,000.

SA 916. Mr. TESTER (for himself, Mrs. LINCOLN, Mr. BROWN, Mr. BAUCUS, Mr. SANDERS, Mr. WEBB, Mrs. MCCASKILL, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 23, line 24, increase the amount by \$133,000,000.

On page 23, line 25, increase the amount by \$133,000,000.

On page 27, line 23, decrease the amount by \$133,000,000.

On page 27, line 24, decrease the amount by \$133,000,000.

SA 917. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional

budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 43, after line 24, add the following:
(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

SA 918. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 14, decrease the amount by \$1,000,000.

On page 4, line 23, decrease the amount by \$1,000,000.

On page 5, line 7, decrease the amount by \$1,000,000.

On page 5, line 17, decrease the amount by \$1,000,000.

On page 5, line 18, decrease the amount by \$1,000,000.

On page 5, line 19, decrease the amount by \$1,000,000.

On page 5, line 20, decrease the amount by \$1,000,000.

On page 5, line 21, decrease the amount by \$1,000,000.

On page 5, line 25, decrease the amount by \$1,000,000.

On page 6, line 1, decrease the amount by \$1,000,000.

On page 6, line 2, decrease the amount by \$1,000,000.

On page 6, line 3, decrease the amount by \$1,000,000.

On page 6, line 4, decrease the amount by \$1,000,000.

On page 25, line 24, decrease the amount by \$1,000,000.

On page 25, line 25, decrease the amount by \$1,000,000.

On page 50, line 13, decrease the amount by \$1,000,000.

On page 50, line 14, decrease the amount by \$1,000,000.

SA 919. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 14, decrease the amount by \$14,067,000,000.

On page 4, line 15, decrease the amount by \$10,303,000,000.

On page 4, line 16, decrease the amount by \$12,750,000,000.

On page 4, line 17, decrease the amount by \$11,383,000,000.

On page 4, line 18, decrease the amount by \$8,049,000,000.

On page 4, line 23, decrease the amount by \$9,067,000,000.

On page 4, line 24, decrease the amount by \$12,303,000,000.

On page 4, line 25, decrease the amount by \$11,750,000,000.

On page 5, line 1, decrease the amount by \$11,383,000,000.

On page 5, line 2, decrease the amount by \$9,049,000,000.

On page 5, line 7, decrease the amount by \$9,067,000,000.

On page 5, line 8, decrease the amount by \$12,303,000,000.

On page 5, line 9, decrease the amount by \$11,750,000,000.

On page 5, line 10, decrease the amount by \$11,383,000,000.

On page 5, line 11, decrease the amount by \$9,049,000,000.

On page 5, line 17, decrease the amount by \$9,067,000,000.

On page 5, line 18, decrease the amount by \$21,370,000,000.

On page 5, line 19, decrease the amount by \$33,120,000,000.

On page 5, line 20, decrease the amount by \$44,503,000,000.

On page 5, line 21, decrease the amount by \$55,552,000,000.

On page 5, line 25, decrease the amount by \$9,067,000,000.

On page 6, line 1, decrease the amount by \$21,370,000,000.

On page 6, line 2, decrease the amount by \$33,120,000,000.

On page 6, line 3, decrease the amount by \$44,503,000,000.

On page 6, line 4, decrease the amount by \$55,552,000,000.

On page 26, line 24, decrease the amount by \$67,000,000.

On page 26, line 25, decrease the amount by \$67,000,000.

On page 27, line 3, decrease the amount by \$303,000,000.

On page 27, line 4, decrease the amount by \$303,000,000.

On page 27, line 7, decrease the amount by \$750,000,000.

On page 27, line 8, decrease the amount by \$750,000,000.

On page 27, line 11, decrease the amount by \$1,383,000,000.

On page 27, line 12, decrease the amount by \$1,383,000,000.

On page 27, line 15, decrease the amount by \$2,049,000,000.

On page 27, line 16, decrease the amount by \$2,049,000,000.

On page 27, line 23, decrease the amount by \$14,000,000,000.

On page 27, line 24, decrease the amount by \$9,000,000,000.

On page 28, line 2, decrease the amount by \$10,000,000,000.

On page 28, line 3, decrease the amount by \$12,000,000,000.

On page 28, line 6, decrease the amount by \$12,000,000,000.

On page 28, line 7, decrease the amount by \$11,000,000,000.

On page 28, line 10, decrease the amount by \$10,000,000,000.

On page 28, line 11, decrease the amount by \$10,000,000,000.

On page 28, line 14, decrease the amount by \$6,000,000,000.

On page 28, line 15, decrease the amount by \$7,000,000,000.

On page 50, line 13, decrease the amount by \$14,000,000,000.

On page 50, line 14, decrease the amount by \$9,000,000,000.

SA 920. Mr. MENENDEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 73, after line 6, add the following:

SEC. 317. SENSE OF THE SENATE REGARDING THE ROLE OF BIOTECHNOLOGY IN THE LIFE SCIENCES INDUSTRY.

It is the sense of the Senate that—

(1) the United States is the established and undisputed global leader in life sciences, and biotechnology companies of the United States are developing advances in medicine, energy, defense, and agriculture;

(2) the biotechnology industry is a source of high-wage, science-oriented jobs, and the success of the industry is critical to ensure that the President's call to "cure cancer in our lifetime" is met;

(3) the ongoing financial crisis has made it difficult for small biotechnology firms to access capital, negatively affecting the cutting-edge life sciences industry of the United States by threatening to halt or significantly delay the next generation of promising therapies for cancer, multiple sclerosis, heart disease, and other diseases and afflictions affecting tens of millions of people of the United States, as well as threatening to halt or significantly delay the development of next-generation biofuels;

(4) the potential for biotechnology to prevent and cure disease, improve surgical outcomes, and pioneer other medical breakthroughs represents tremendous opportunity to reduce costs and improve public health; and

(5) Congress should act to facilitate access to capital for the life sciences industry of the United States, including emerging biotechnology companies, as the industry faces a severe funding crisis that is jeopardizing a critical sector of the United States' 21st century innovation economy and a source of high-paying, high-quality jobs in the United States.

SA 921. Mr. MENENDEZ (for himself and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for programs administered through the Violence Against Women Act and the Family Violence Preven-

tion and Services Act, and other related programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 9222. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . BUDGETARY IMPACT OF THE TARP PROGRAM.

Effective fiscal year 2011, the budget resolution shall separately set forth the budgetary impact of the TARP program or any other program that is designed to provide financial assistance for purchasing troubled financial assets or is managed by the Office of Financial Stability under the Department of the Treasury for the budget year and the 9 year period following the budget year.

SA 923. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ____ . LIMIT ON FEDERAL SPENDING.

(a) DEFINITION.—In this section:

(1) FEDERAL SPENDING LIMIT.—The term "Federal spending limit" means with respect to a fiscal year, outlays not exceeding 20 per cent of the GDP.

(2) GDP.—The term "GDP" means the gross domestic product for the relevant fiscal year.

(b) FEDERAL SPENDING LIMIT POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would exceed the Federal spending limit for such fiscal year.

(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the Senate only by the affirmative rollcall vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

SA 924. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which

was ordered to lie on the table; as follows:

On page 31, line 3, strike "or".

On page 31, between lines 7 and 8, insert the following:

"(9) does so without creating a new government operated health insurance plan; and

"(10) does so through regular order, without the use of reconciliation."

SA 925. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR THE DETENTION OF DETAINEES AT NAVAL STATION GUANTANAMO BAY, CUBA, AT ANY LOCATION OUTSIDE THE UNITED STATES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide funding for the transfer and incarceration (including any associated infrastructure) of individuals currently detained at Naval Station Guantanamo Bay, Cuba, at a location outside United States, and prohibit funding of any transfers of such detainees to the United States, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SA 926. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____ . POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) would cause significant job loss in manufacturing or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 927. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____ POINT OF ORDER AGAINST LEGISLATION THAT CAUSES AN INCREASE IN PRICES FOR FERTILIZER OR FARM FUEL.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) would cause an increase in the retail price of fertilizer or fuel used in the production or transportation of agricultural products.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 2 p.m. in room 216 of the Hart Senate office building.

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

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 9:30 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 1, 2009.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 3 p.m., to hold a hearing entitled "Enhanced Partnership with Pakistan Act."

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Nominations" on Wednesday, April 1, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 1, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Oversight—the Environmental Protection Agency's Renewable Fuel Standard."

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES AND SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities and the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 3:30 p.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that two law clerks from my staff, Matthew Welling and Andrew Warthen, be granted floor privileges for the remainder of this session.

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

DISCHARGE AND REFERRAL—S. 718

Mr. DURBIN. Mr. President, I ask unanimous consent that S. 718 be discharged from the Committee on the Judiciary and be referred to the Committee on Health, Education, Labor, and Pensions.

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

AUTHORIZING USE OF THE ROTUNDA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 54, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 54) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

COMMEMORATING 90 YEARS OF U.S.-POLISH DIPLOMATIC RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 40, S. Res. 9.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be added as a cosponsor of this resolution.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this measure be printed in the RECORD.

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

The resolution (S. Res. 9) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 9

Whereas the United States established diplomatic relations with the newly formed Polish Republic in April 1919;

Whereas the year 2009 marks the 20th anniversary of democracy in Poland, as well as the 20th anniversary of the fall of communism in Poland;

Whereas the year 2009 marks the 10th anniversary of Poland's accession to the North Atlantic Treaty Organization (NATO);

Whereas the year 2009 marks the 50th anniversary of the Fulbright Educational Exchange Program in Poland;

Whereas Poland has overcome a legacy of foreign occupation and period of communist rule to emerge as a free and democratic nation;

Whereas Poland has strongly supported the United States diplomatically and militarily, as well as supporting United States-led efforts in combating global terrorism, and has contributed troops to the coalitions led by the United States in both Afghanistan and Iraq; and

Whereas Poland has cooperated closely with the United States on issues such as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 90th anniversary of U.S.-Polish diplomatic relations;

(2) congratulates the Polish people on their great accomplishments as a free democracy; and

(3) expresses appreciation for Poland's steadfast partnership with the United States.

60TH ANNIVERSARY OF NATO

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 41, S. Res. 20.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 20) celebrating the 60th anniversary of the North Atlantic Treaty Organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 20) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 20

Whereas the North Atlantic Treaty Organization (NATO) will celebrate its 60th anniversary at a summit to be held on April 4, 2009, in Kehl, Germany, and Strasbourg, France;

Whereas this summit will be held along the border of France and Germany to commemorate the historic post-war reconciliation in Europe that NATO has done so much to facilitate;

Whereas for 60 years, NATO has served as the preeminent organization to defend the territory of its member states against all external security threats;

Whereas the security of the United States is inseparably linked to the peace and stability of the European continent by the participation of the United States in NATO;

Whereas the security of the United States has been significantly enhanced by the integration of security and military structures in the United States and Europe achieved by NATO;

Whereas NATO continues to promote a Europe that is whole, undivided, free, and at peace;

Whereas NATO continues to support an open-door policy of admitting states that can contribute to the promotion and protection of freedom, democracy, stability, and peace throughout Europe;

Whereas, since the end of the Cold War, NATO has continued to redefine and transform itself and to take on new missions, in order to ensure that each NATO member state can defend itself against emerging threats such as terrorism, the spread of weapons of mass destruction, instability caused by failed states, cyber attacks, piracy, and threats to global energy security;

Whereas NATO continues to help stabilize the Balkans through the deployment of troops to Kosovo;

Whereas NATO has deployed naval assets to the Gulf of Aden to address the growing threat of piracy in the region and to help protect the delivery of United Nations food assistance to Somalia;

Whereas after the 2001 terrorist attacks on the United States, article 5 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964), was invoked for the first time in the history of the organization, and NATO deployed 50,000 troops from all 26

NATO member states to Afghanistan to respond to a dangerous insurgency and terrorist threat and to help re-build a shattered country;

Whereas the challenges that continue to be posed by the resurgence of the Taliban and the illicit drug trade in Afghanistan highlight the need for a sustained and strengthened NATO presence in Afghanistan;

Whereas NATO continues to enhance the security of Europe and the world by strengthening partnerships with countries around the world; and

Whereas Congress continues to support NATO, the leadership role of the United States Government in European security affairs, and the continued enlargement of NATO: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th anniversary of the North Atlantic Treaty Organization;

(2) reaffirms that the North Atlantic Treaty Organization is strong, enduring, and oriented for the challenges of the future; and

(3) expresses appreciation for—

(A) the steadfast partnership between the North Atlantic Treaty Organization and the United States Government; and

(B) the work of the North Atlantic Treaty Organization to ensure peace, security, and stability in Europe and throughout the world.

URGING GOVERNMENT OF MOLDOVA TO ENSURE A DEMOCRATIC ELECTION PROCESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 42, S. Res. 56.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 56) urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 56) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 56

Whereas Senate Resolution 60, 110th Congress, agreed to February 17, 2005, expressed the support of the Senate for democratic reform in Moldova and urged the Government of Moldova to ensure a democratic and fair election process for the parliamentary elections on March 6, 2005, by ensuring “unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis” and “the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation”;

Whereas the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE)

found that, while the parliamentary elections in 2005 generally complied with most of the OSCE commitments and other international standards, "they fell short of some that are central to a genuinely competitive election process", in particular "campaign conditions and access to media", confirming the "negative trends already noted in the 2003 local elections";

Whereas the Election Observation Mission found that the local elections held in June 2007 in Moldova were generally well administered but "fell short of a number of OSCE commitments central to a competitive electoral process", in particular by not fully respecting "the right of citizens to seek public office and equitable media access";

Whereas Freedom House, a non-profit, non-partisan organization working to advance the expansion of freedom, again in 2008 designated the political environment of Moldova as only "partly free";

Whereas political liberties and civil rights are key indicators of eligibility for support from the Millennium Challenge Corporation, an entity of the United States Government, which is now considering a sizeable grant for the economic and political development of Moldova; and

Whereas recent actions by entities of the Government of Moldova raise serious questions about the readiness of the Government of Moldova to break free from the unfortunate patterns established in the elections in 2003, 2005, and 2007 and to create the campaign conditions and access to media required for truly free and fair elections: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong, mutually beneficial relationship that exists between the United States Government and the Government of Moldova;

(2) recognizes that the development of a genuinely democratic political system in Moldova is a precondition for the full integration of Moldova into the Western community of nations and the provision of assistance necessary to attain such integration;

(3) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe, especially in respect to the conduct of elections, by guaranteeing—

(A) unimpeded access by all parties and candidates to public print, radio, television, and Internet media on a nondiscriminatory basis;

(B) the ability of independent media to cover campaigns on an unrestricted basis;

(C) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(D) adequate means for citizens of Moldova residing abroad to cast their ballots; and

(4) in light of the steps taken by the Government of Moldova, pledges the continued support of the United States Government for the establishment in Moldova of a fully free and democratic system, the creation of a prosperous market economy, and the assumption by Moldova of its rightful place as a full and equal member of the Western community of democracies.

be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. Con. Res. 13, the concurrent resolution on the budget, as under the previous order.

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

PROGRAM

Mr. DURBIN. Under the previous order, when the Senate resumes consideration of the budget resolution tomorrow, 90 minutes of the statutory time remains. Senators should expect the so-called vote-arama to begin around 11:30 a.m. tomorrow. Votes will occur in a stacked sequence with 2 minutes for debate prior to each vote. In addition, Senators should note that each vote after the first vote will be only 10 minutes in duration.

ORDER FOR ADJOURNMENT

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator SNOWE.

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

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEFICIT-NEUTRAL RESERVE FUND

Ms. SNOWE. Mr. President, I plan to offer an amendment tomorrow that I would like to discuss this evening very briefly because I do think it is an important matter as we consider the economic climate in which we find ourselves.

My amendment would create a deficit-neutral reserve fund that would extend the 2001 tax cut rates for small business owners so this tax increase does not subtract from the pool of capital that is going to be available to small business. As the Ranking Member of the Small Business Committee and senior member of the Finance Committee, I rise on this critical issue of taxation because I am deeply concerned about how proposed tax rate increases will harm small business capital formation.

There has been a significant debate about the effect on small business of raising tax rates on those making over \$250,000. I do not disagree with some of those efforts, but I do have a deep concern about the impact and the implications that it will have on small businesses and their ability to access affordable capital in this current economic downturn.

The expiration of these tax cuts enacted in 2001 and 2003 for couples making over \$250,000 will directly and indisputably affect small businesses. Hiking taxes from 33 to 36 percent and from 35 to 39.6 percent results in a 9-percent tax increase for either tax rate. So if the Government is subtracting 9 percent from small business owners, obviously, that suggests fewer resources will be available to reinvest in business.

As we know, access to capital is a constant struggle for America's small businesses, particularly at this time of a continuing credit crisis. We have seen the credit crunch that has had a direct effect on small businesses. Lines of credit have been denied. Access to capital is simply not available. Time and time again, we have heard from small businesses, and certainly that was true at a hearing we held recently in the Small Business Committee, because small business owners are saying repeatedly they have had considerable difficulty in being able to access credit from banks.

So we have a serious crisis because if we depend on small businesses to generate the jobs, which they do—70 percent of all the net new jobs in this country; half of all the private-sector employers, 70 percent of the nonfarm gross domestic product—then clearly we have to be concerned about the response of small businesses when we are raising the tax rates for those making over \$250,000.

We simply cannot increase taxes by 9 percent on small businesses and not expect that this tax hike will have an immediate effect on the amount of capital they re-invest in their business. I fear that in lieu of investing their own funds, small businesses will have to, obviously, turn to the frozen credit markets which clearly has impeded any ability of small businesses to secure capital.

Most recently, a Federal Reserve study demonstrated that 70 percent of banks have tightened loans to small businesses. Well, Chairman LANDRIEU of the Small Business Committee and I have been working to free up lending for small business owners. Recently, the President conducted a small business summit at the White House, and we heard directly from small business owners who said their lines of credit have simply dried up.

I know some of the banks have said, some of the TARP recipients said: Well, we are lending money. But the truth is, it is simply not happening. So there are numerous provisions in the stimulus package that I and Chair LANDRIEU had worked to insert because we thought it was important to make sure we took the steps to ensure a Main Street recovery, some of which were in the flagship SBA programs, the 7(a) and 504 programs, to reduce or eliminate the lenders' and borrowers' fees which are going to be instrumental to allowing banks to more freely loan money to small businesses because

ORDERS FOR THURSDAY, APRIL 2, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, April 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour

these are the key lending programs. We also provided for a 90-percent guarantee under the 7(a) program for any of the loans that are issued. In the stimulus package, I was able to secure a provision that will allow small businesses to make quarterly estimate tax payments of 90 percent of their 2008 tax liability rather than 110 percent estimated tax payments. That is important to ensure there is available capital for small businesses, to ease the credit flow for small businesses so they can survive in this very serious economic downturn.

So we have done a number of things that are going to be so essential for the preservation and survival of small business in this very serious recession, which is the worst since the Great Depression.

We included a stabilization loan fund that will provide up to \$35,000 for small businesses that otherwise have been viable businesses but are having difficulty making their payments. So we want to ease the flow of capital on a monthly basis. So it gives them a life line, a bridge until they will be able to find a better economic climate in which to do business.

The fact is, credit is essential. Small businesses are vital because they are the job generators in America. Our economy is wholly dependent on the well-being and the health of small businesses. That is why the President—and I recommended and endorsed this idea—is going to use some of the TARP funds to buy small business loans in the secondary market, again, freeing up the capital, easing the pressures on many of the banks, so they can issue those loans in the secondary markets. And up to \$15 billion in TARP funds would be used. So again, it is another way of easing the credit restraints, but also to provide more liquidity in the markets so that small businesses are able to go about and continue to do their business.

We have to avert not only job losses in this economy, but primarily to make sure if we are going to do so, that we prevent small business owners from shutting their doors on Main Streets all across America.

The vast majority of businesses in this country are known as “flow-through” or “pass-through” businesses, meaning that the income from a business is taxable to the individual owner and is not taxed at the business unit level. The forms of ownership that fall into the definition of flow-through businesses are sole proprietorships, partnerships, and S corporations. According to the Small Business Administration, flow-through businesses represented 93 percent of all small businesses in 2004. And specifically, there were 19.2 million sole proprietorships, representing 72 percent of all businesses; 2.3 million partnerships, representing 9 percent of businesses; and 3.3 million S corporations, representing 12 percent of businesses. And we consider this to be an incomplete snapshot

of all small businesses because there are roughly another 2 million small C corporations, representing 7 percent of small businesses, that pay taxes both at the business level and individual level when profits are distributed.

The point is, that small businesses are critical. They pay the individual tax rate. That is the problem with allowing the tax rates to expire from the 2001 and 2003 tax bills, for those small businesses that are earning more than \$250,000.

The data provided earlier this week from the Joint Committee on Taxation shows that 6.5 percent of business owners—as defined by individuals receiving flow-through income, as I mentioned earlier, who pay the individual tax rate—will see their taxes increased as a result of this major tax hike. This is in stark contrast to those critics who have said it is only going to be 2.2 percent of taxpayers who will be affected by this tax increase. But yet Joint Tax shows it is almost three times what they indicated. But more importantly, it is the amount of income that these small businesses generate in our Nation's economy.

The Joint Committee on Taxation data reinforces a 2007 Treasury study that demonstrated among taxpayers whose flow-through income amounted to at least 50 percent of their wages—clearly indicating the primary business owner—that 9 percent earned 69 percent of total flow-through income but paid 81 percent of the taxes on it. So 9 percent earned 69 percent of this small business income and they paid 81 percent of the taxes on it. That is the problem because we are going to directly increase taxes on those small businesses that generate the preponderance of the income from small businesses in America.

Now, I drew on this Treasury study to help craft my amendment which targets not the passive investor in small business but the individual who is really earning their keep from small businesses. My amendment uses the definition of “small business” as determined by the Small Business Administration.

I want to highlight one form of business ownership in particular, and that is the S corporation because this form of ownership represents small firms that have graduated past the “kitchen table” stage of business and have employees. Again, the Joint Committee on Taxation data indicates that in 2006, 22 percent of taxpayers who earned income from S corporations were making more than \$250,000. Furthermore, a new study—a very recent study—from the SBA Office of Advocacy demonstrated there were roughly 3.3 million S corporation returns filed for 2004 and by the industry sector, the most prevalent, were wholesale and retail trade.

So, in essence, these are the Main Street businesses, the retailers, the construction firms, the manufacturers, the job generators of this economy. We cannot subtract another 9 percent from their income and think it is not going

to affect—not only them but our Nation's economy. We have to do everything we can to nurture and cultivate an environment in which small businesses can survive during this economic crisis. We need to be fostering that environment, not increasing taxes on small businesses at the very time when they need more capital just to get by.

A recent SBA study noted that half of all small business income is earned by businesses organized either as a partnership or an S corporation, despite the fact that they constitute only about 20 percent of business units. So it is critical that we evaluate this particular provision. When we are talking about allowing the expiration of the tax rates in 2001 and 2003, we have to consider and evaluate it specifically on how it will affect the health and the well-being of small businesses in America's economy.

Small businesses as job generators have been underappreciated and unrecognized. They have been the unsung heroes of our economy, even prior to this recession. I think we have to be wholly attentive to the role they play in our Nation's economy. After all, there are 27 million small businesses in America today. We have to ensure their survival. The way we can do it is to consider the policies enacted and how they directly have an effect on small businesses, whether it is by increasing regulation, diminishing the availability of credit, or by raising taxes, all of which have a collective effect on the well-being and effectiveness of small businesses.

I think it is rather ironic that on one hand we are doing everything we can through the stimulus, through the TARP funds to make credit available, and then on the other hand we are subtracting from it by raising the tax rate. Some say we are only deferring that; it is 2 years away. But small businesses have to plan for the future. The net effect will be that they will constantly retrench in anticipation that their tax rates are going to rise, which only stands to reason. It is a logical response. It certainly will change their behavior today as a result of what they can expect in the future.

So suggesting that somehow deferring it 2 years out will make it better is not an answer. We don't have any prognostications in terms of what this economy is going to look like in 2 years, we still will have high rates of unemployment. It is going to be a slow path forward toward recovery, and we will be depending on small businesses to ultimately lead the way out of this recession and to pave the way forward toward a recovery. So because we are dependent on small businesses, then we have to consider very carefully the impact that raising tax rates will have on small businesses in America.

So when some say that tax increases would not have an impact today, but it will in 2 years, I answer that it will have an impact today because business

owners will just defer investment in a plant. They will defer other investments. They will defer hiring. They may lay off, given the current climate, to be sure, but also in anticipation of the future, knowing that they will have to pay increased taxes.

A tax increase of this magnitude alters economic behavior. It alters capital formation indisputably. So on this issue alone I think it is very critical that we be circumspect and cautious in terms of how we approach it.

That is why the amendment I will offer tomorrow will create a deficit-neutral fund so we can be sure that we do not have these sorts of tax increases that will be directly imposed on small businesses. I hope the Senate will support this amendment. It is specific and targeted toward small business owners so this tax increase doesn't affect them, it doesn't affect their behavior, either now or into the future, and ensures that there is a pool of capital so they can continue to do business and, hopefully, be able to survive and overcome the hurdles this economic climate represents.

The Small Business and Entrepreneurship Council recently stated the

higher the marginal tax rate, the higher the relative price for additional work and risk taking, and that high tax rates discourage economic activity. I know a number of organizations have conducted their own surveys, and I think it is illustrative again of the problems that will confront small businesses as a direct result of this specific tax increase.

There was a poll conducted by Gallup for the National Federation of Independent Businesses, otherwise known as NFIB. When surveyed, 21.7 percent of small business owners who employ 220 to 249 employees responded that the income earned from their businesses would be greater than \$250,000. That bears reiterating. More than 20 percent of small businesses stated that they would have income greater than \$250,000. This data certainly comports with the data provided by the Joint Committee on Taxation regarding partnership income and S corporation income.

Even more striking was the response from other small businesses where they indicated it would certainly have a detrimental impact when they were asked about their total household income

from all sources, and 40 percent of these entrepreneurs, with 20 to 249 employees, responded that their household income would be greater than \$250,000. In either survey question, this cohort was the largest response group of any income group or size of employer and is indicative that successful small businesses are precisely the group that is most likely to face increased taxes if the top two marginal tax rates again rise to 36 and 39.6 percent because the net result is they will pay a 9-percent tax increase.

So I hope the Senate will endorse my amendment when I offer it tomorrow.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:56 p.m., adjourned until Thursday, April 2, 2009, at 10 a.m.