



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, TUESDAY, JANUARY 26, 2010

No. 10

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Almighty and everlasting God, the Author and Giver of all good things, nourish our Senators with Your goodness that they may produce the fruits of exemplary works that honor Your Name. Lead them by their setbacks and victories into a deeper knowledge of Your plans and purposes for this land we love. Give them light for their darkness and strength for every aspiration that seeks to glorify Your Name. May the knowledge of Your redeeming providence be a lamp illuminating the way ahead. Lord, strengthen them by Your spirit, using them as channels for Your coming kingdom. Make them positive people who are expectant of Your best for our Nation and world.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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, January 26, 2010.

To the Senate:

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

appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN 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. Madam President, following leader remarks, the Senate will resume consideration of H.J. Res. 45, a joint resolution increasing the statutory limit on the debt. The time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees. At 11:30 a.m., the Senate will proceed to a series of two roll-call votes. Those votes will be in relation to the Baucus amendment No. 3300 regarding a Social Security exemption, to be followed by a vote on the Conrad amendment No. 3302 regarding a fiscal task force. The Senate will recess from 12:30 p.m. to 2:15 p.m. today for the weekly caucus luncheons.

We are operating under an agreement that limits amendments to the debt limit resolution, and only a few amendments remain in order. I encourage Senators with amendments on the list to come to the floor to offer their amendments if they would like their amendments to be considered.

ORDER OF PROCEDURE

Madam President, with respect to the time under my control for debate with respect to the Baucus and Conrad amendments to H.J. Res. 45, I ask unanimous consent that the time be provided to Senators BAUCUS and CONRAD and that they equally divide and control this time that was under my designation.

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

IRAN SANCTIONS ACT

Mr. REID. Madam President, at the end of last December, I made a commitment to bring S. 2799, the Comprehensive Iran Sanctions Accountability and Divestment Act, to the Senate floor. This critical legislation would impose new sanctions on Iran's refined petroleum sector and tighten existing U.N. sanctions. The act will create pressure on the Iranian regime and help stop Iran from acquiring a nuclear weapon. I thank Senator DODD, Senator KERRY, and many other Senators for their hard work.

I have had conversations with the distinguished Republican leader. We are committed to finding a time to do this legislation. This is going to be a piece of legislation dealing with just this narrow issue. We cannot get into foreign aid and all those other things. I am reaching out to my Republican colleagues to help me find a path to get that done in the next few weeks. We started this session by working on important legislation to prevent the Federal Government from defaulting on its obligations, including my amendment to put in place strict statutory requirements that will ensure the cost of any new spending or tax cuts will not increase our deficit. But everyone should know that I am looking forward to moving on the Iran Sanctions Act, as I have indicated, but we are going to need some cooperation to get this legislation done. I had a conversation with the Republican leader yesterday, and it is our goal to finish the legislation on the debt limit quickly. Hopefully, we can do that and maybe the Bernanke nomination by Thursday or Friday.

The Republicans have scheduled a retreat. We are going to have one next week. When this was scheduled, no one

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



Printed on recycled paper.

S209

knew when the President was going to give his State of the Union Message. But it happens it is on tomorrow. So we have the State of the Union tomorrow night. We have the retreat tomorrow. We are not going to have any legislative issues here unless the Republicans have agreed. We are not going to interfere in any way with their retreat. These are extremely important. The two caucuses can move alone and not be bothered by other things. It is very important. We are going to do the same next week. I think what we have done in the last year or so has been important. We used to do these retreats on Fridays, but with schedules such as they are, not many people showed up, or not as many as we wanted. With the new schedule of having votes on Tuesday and Thursday, in fact, it causes people to want to be here on Wednesday.

I look forward to working with the Republican leader and others in coming up with a glidepath to finishing these matters as quickly as we can. By virtue of some cloture motions I filed, we are scheduled for votes in the morning. I want to do everything I can to avoid that and will maybe put those over until Thursday or maybe try to get rid of those votes today would be the best thing we could do.

I am happy to yield to my friend the Republican leader.

RECOGNITION OF THE MINORITY LEADER

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

THE ECONOMY

Mr. MCCONNELL. Madam President, a year ago this week, millions of Americans were looking to Washington with the hope that always comes with a new beginning. In the midst of a terrible economic downturn, a new President was vowing to meet our problems head-on. Americans hoped for every success, but in the 12 months that have passed since then, Americans have not seen the improvements they were hoping for. Far from it. Since last January, nearly 3.5 million Americans have lost their jobs and nearly 3 million have lost their homes. Americans are still struggling, and they are looking to Washington for the policies that will right our economic ship.

To their credit, the President and his allies in Congress tried to do something about our economic situation. Unfortunately, their policies missed the mark, and 2009 was another very difficult year. Americans waited patiently for the administration and Congress to implement policies that would create the conditions for creating jobs, growing businesses, and helping struggling middle-class families weather the recession. Instead, they got policies that vastly increased government spending and put a crushing amount of

debt onto the Federal credit card. Then Americans looked on in disbelief as the administration spent almost an entire year—an entire year—pursuing a closed-door, partisan health care plan that would have raised their taxes and their health insurance premiums and slashed Medicare for seniors in the middle of a recession.

By the time November came around, Americans had clearly run out of patience—not with the President, whom they like, but with the administration's policies. They rejected a trillion-dollar stimulus bill that was supposed to stop unemployment at 8 percent but did not. They rejected a budget that will double the national debt in 5 years and triple it in 10. And they rejected a health care plan that would have led to higher costs, lower quality, and massive new government spending. The American people have spoken clearly. They want a new policy direction.

This is why some of the comments we have been hearing in the administration about its plans for the year ahead are so distressing. The lesson of the last year should be crystal clear: Americans are not happy with the administration's approach. They are tired of the spending, debt, and government takeovers. They want a step-by-step approach to our problems, not grand government experiments and schemes. Yet some in the administration seem to believe that the message of Virginia, New Jersey, and Massachusetts is something entirely different. They seem to think the voters are frustrated at nothing in particular, that they are just angry in general. The proper response to these elections, the administration seems to think, is to retool its message to make people believe it is finding new ways to help the economy, even as it continues to pursue the exact same policies as before. One of the President's top advisers insisted over the weekend, for example, that the administration will continue to pursue its plan for health care even as it works to retool its message on the economy. This is a clear sign that the administration has not gotten the message; that it has become too attached to its own pet goals; that it is stuck in neutral when the American people are asking it to change direction. And then the administration said over the weekend that Americans will not know what is in the Democratic plan for health care unless and until it is passed. That is precisely the problem. Americans do not want to have to learn about what politicians in Washington are doing to their health care after the fact. They want to know the details before the changes are approved, not later.

Americans are not frustrated in general; they are frustrated with an administration that insists on taking them in a direction they do not want to go and which does not seem to be interested in acknowledging the direction in which Americans actually want to go.

These are some of the signs that the administration has not gotten the message. But it is not too late. Tomorrow night, the President will deliver his State of the Union Address. It is my hope that he deals not in a retooled message but in a changed direction and that he advances it with the same kind of enthusiasm and intensity that he attempted to advance his health care plan.

Here are some of the things the President could do tomorrow night:

First, put the 2,700-page Democratic health care bill on the shelf and leave it there. The best first step we could take in righting our economic ship is to take this job-killing and tax-increasing monstrosity off the table once and for all and move toward the kind of step-by-step approach Americans really want.

Second, declare that taxes will not go up at the end of the year as scheduled for millions of American families and businesses. Even some Democrats are calling on the President to do this. Struggling small businesses are asking themselves whether they can hire new workers. The prospect of a massive tax hike makes it far less likely that they will.

Third, return unused TARP money and put it toward paying down the deficit. Taxpayers who bailed out the banks last year are wondering why their money is still laying around unspent. Money that has come back to the Treasury should be used to pay down the deficit, not used on new spending programs.

Fourth, job programs. The stimulus was sold to the public on the promise that it would hold unemployment at 8 percent. A year later, unemployment is at 10 percent, its highest level in a quarter century. At a time of trillion-dollar deficits, the President should direct unspent stimulus funds to pay down our debts right now, rather than have the money spent on questionable projects 9 years down the road.

Fifth, no more debt. Later this week, the administration, with an assist from Democrats in Congress, plans to increase the amount of money available on the Federal credit card by nearly \$2 trillion. In other words, they want to increase the amount of money we can borrow by an amount equivalent to what it cost to pay for the entire Federal budget 10 years ago.

Sixth, explain to the American people how the Federal Government will end its ownership of auto companies, insurance companies, and banks. Americans do not think the U.S. Government should be one of the largest shareholders of GM, Chrysler, and AIG.

Seventh, energy. Nuclear power is one of the cleanest, most efficient sources of energy. The President should commit to expanding it. Until these clean green sites are up and running, he should allow the States to drill for oil and natural gas off their shores, if they want to.

These are just a few concrete things the President could do to show the

American people he is committed to working with both parties to address the problems Americans are most concerned about, such as doing whatever it takes to create jobs and get people who have lost their jobs back to work.

Americans aren't looking for cosmetic proposals. They do not want the administration to push sweeping changes it wants but to nibble around the edges when it comes to changes the American people want. It is time for the White House to show it is listening to the American people. If the President opts for solutions that reflect the real concerns of the American people, if he moves to the middle with commonsense bipartisan ideas on job creation, then he can expect the support of Republicans.

It is not too late. It is not too late to deliver the kind of commonsense reforms Americans want.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

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

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Conrad-Gregg amendment No. 3302 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

Reid amendment No. 3305 (to amendment No. 3299), to reimpose statutory pay-as-you-go.

Baucus amendment No. 3306 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 shall be equally divided between the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Madam President, I understand there has been a time allocation amongst several of us, but I would like to yield 5 minutes of the time reserved to me to the Senator from Illinois.

Mr. GREGG. Madam President, if the Senator will yield, I ask unanimous

consent that I be recognized to manage the time on our side.

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

Mr. GREGG. After the Senator from Illinois, I will yield up to 10 minutes to the Senator from Alabama.

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

THE ECONOMY

Mr. DURBIN. Madam President, I thank the chairman of the Senate Finance Committee, the Senator from Montana, for yielding 5 minutes.

I have listened carefully to the statement made by the Republican minority leader on the floor, and I think he has characterized the last year leaving out some very important facts, some glaring omissions in his statement.

What the Republican leader failed to mention is, when this President came to the White House, he inherited the worst economic mess in the history of this country since the Great Depression. The President turned to both parties—Democrats and Republicans—and said: We need to turn this economy around and do it quickly. He, personally, appealed to the Republican Members of the Senate and the House to join him in a bipartisan effort to turn this economy around. At the end of the day, the President put forward a plan to reinvest in America and recover this economy that didn't draw one single Republican vote of support in the House and only three Republican Senate votes. It was, in fact, largely a Democratic effort but not because the President didn't try to include the Republicans in this effort.

What has been the net impact? The Senator from Kentucky comes to the floor and is very critical of the state of the economy. It is easy to be critical. But let us understand from where we came. When the President took office, we were losing in the range of 800,000 jobs a month in America—800,000 a month. It was awful. Now we are down to about 10 percent of that total per month that we are losing. It is still too high. We want to start gaining jobs. But understand, in 1 year, we have reduced by 90 percent the monthly loss in unemployment. It is a trend line which is positive, moving us toward a growing economy and growing employment. That is because the President took leadership, took control, and—largely with Democratic votes—passed a stimulus package.

Also, remember that in April of last year—2009—the Dow Jones industrial index was at 6,500. This morning it is at 10,000. That index, which at least is a reliable index of some economic growth, showed almost a 60-percent increase in value over this 1-year period of time.

To be totally dismissive of this effort by the administration is to ignore the obvious: We have come a long way. We have stared down at the abyss and we have drawn back and we are starting to

regain our stride, as we should. But to dismiss this and say it is just a vain effort that had no impact is to ignore the obvious.

Let me also say about the health care bill that we know—and the Senator from Montana, as our leader in the Finance Committee, knows this personally—of the efforts the Senator from Montana made to reach out to the Republican side of the aisle. He had 61 personal meetings with Republican Senators—Senators Grassley and Enzi and Snowe—in an effort to make this a bipartisan bill. Sadly, it didn't result in a bipartisan bill but not for lack of effort on our side, not for lack of effort in the Senate HELP Committee or the Senate Finance Committee, where 170 Republican amendments were adopted. Yet, at the end of the day, only one Republican Senator—Senator SNOWE of Maine—would cast a favorable vote for the committee effort. To argue this has been a partisan effort, well, it has been, to some extent, but not for lack of effort on the Democratic side to engage the Republicans.

What if the Republicans had their way on health care? What if we literally walked away from this challenge? I tell you what will happen: In 7 years, the Medicare Trust Fund will be exhausted. Under the bill we had before the Senate, we added 9 years of life to that Medicare Trust Fund. If we do nothing, as many Republicans would have us do, that Medicare Trust Fund will start to fail in 7 years.

Let me also add, if we do nothing, the number of uninsured will grow from 47 million today in America to 57 million and continue to grow. People will lose their insurance, and those insured will have little protection as this market becomes even more ruthless.

Finally, let me add, the cost of health insurance, if we do nothing, is going to grow dramatically. We expect it to more than double in 10 years. Think about that—what it means to individual wage earners, businesses, and families if more and more money has to be plowed into health insurance costs with no increase in coverage. That is the reality of the Republican approach. Do nothing or do little but go slowly. Take tiny, little pieces of this instead of looking at the challenge we face. That may be the political reality, but I don't applaud it.

Our effort at comprehensive health care reform took on an issue which is central to our economy's growth. If we don't deal with the cost of health care, unfortunately, we are going to find ourselves in a very difficult competitive position in the world.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

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

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

BERNANKE REAPPOINTMENT

Mr. SESSIONS. Madam President, I wish to share a few remarks on the reappointment of Mr. Bernanke as Chairman of the Federal Reserve Board. I do

believe we should state our views about it. I stand in opposition to his nomination; I intend to vote against it.

First, I believe the financial debacle this Nation is desperately attempting to work its way through did not have to happen. That free economies have a tendency to boom and bust, there can be no doubt. But sound Federal economic and fiscal policy that promotes stability and a sound dollar can mitigate against the excesses of market cycles and keep them from ratcheting out of control, as we have seen here.

What role did Mr. Bernanke play before the bubble burst? For 3 years, he served on the Federal Reserve Board, where much of our Nation's financial policy is set and, in 2006, he followed Mr. Greenspan as Chairman. The American people have a right to ask: How did he perform during that period? Did he see this crisis coming, did he give warning, and did he take any actions that could have ameliorated or avoided the catastrophe that has befallen us? The minutes of the Federal Reserve Board during the critical 2003 time period show he was what the Wall Street Journal called "the intellectual architect" of the loose money policies that, as the Journal notes, kept:

... monetary policy exceptionally easy for far too long as the economy grew rapidly from 2003-2005. He imagined a "deflation" that never occurred, ignored the asset bubbles in commodities and housing, dismissed concerns about dollar weakness, and in the process stoked the credit mania that led to the financial panic.

That is what the Wall Street Journal said about it, and I think that has to be considered an accurate and fair comment. Only responsible actions, perhaps painful to us now in the short run, founded on mature understanding of the forces that actually control world economies will do today. The time for artificial government policies and spending and stimulus is past. Nothing comes from nothing. Reducing deficits significantly will be necessary and will be painful, but only such a policy, resolutely executed, will inspire real confidence that we are on the right track.

Transferring massive private debt to massive government debt, as we have done, tripling our total national debt in 10 years—as we are on the path to do under the President's own budget—is wrong and unacceptable. Experts and the normal person know such policies will only end poorly. We need the kind of responsible policies the bipartisan team of Fed Chairman Paul Volcker and President Reagan executed, policies that led eventually to 20 years of sound growth. But, for sure, stabilizing an economy in turmoil was difficult for them and for the American people at the time, for a while. But the people understood sound policy was needed in the early 1980s, and they stayed with their strong leaders through the tough times. The people knew then we had acted irresponsibly—as we have today—and they knew a steep hill had to be climbed to get us on sound footing. They met the challenge.

I am not seeing that kind of leadership today. President Reagan knew he would be criticized, but he knew this great Nation would rebound. He had

confidence in our people and in free markets. He did not, for one moment, believe expanding government would lead to economic growth.

During this time of economic turmoil, I don't think we are hearing that kind of economic straight, honest talk. We are told not to worry; that we are going to spend our way out of debt. We will have the government stimulate the economy. Well, if that is so easy, why don't we do it every day—just spend, spend, spend forever? If that doesn't work, we can have another stimulus package, they tell us. Deficits don't matter. Debt doesn't matter. We will worry about the consequences of that later. The President of the European Union said this strategy was the economic "road to hell." And I think that is an embarrassment to the United States. The Chinese are aghast. But this is the plan of the President and Mr. Bernanke—spend it now, worry later.

Mr. Bernanke's nomination is before us today. He was the prime architect of the policies that got us into this mess. He did not see it coming. He supported the disastrous \$800 billion stimulus package, every penny of which was mainly social spending—had to be borrowed, and it has not produced the kind of jobs and growth we needed because it was not focused sufficiently on job creation.

Mr. Bernanke also supported the \$182 billion bailout of AIG, and now we know most of that money was used to compensate AIG's counterparties, such as Goldman Sachs and Deutsche Bank at 100 cents on the dollar, which I think is unthinkable. Last November, the TARP inspector general, Neil Barofsky, reported that the Federal Reserve did not believe AIG's counterparties posed a systemic risk to the economy, which frankly calls into question the entire justification for the bailout.

Amazingly, Chairman Bernanke has learned little from these errors, and that worries me. Tragically, he is supporting or acquiescing in policies that I think have proven not to work and are contrary to sound common sense. If there is any dispute about his leadership, I call my colleagues' attention to his speech on January 3. There he plainly refused to acknowledge his loose money policies were a significant factor in creating the bubble and the inevitable bust. Incredibly, he relied on half-truths to justify his abandonment of the Taylor rule, a formula that has proven to work to contain the temptation for excessively low interest rates.

While anyone can make a mistake, becoming too insulated, too arrogant, too political, and coming to believe tried and true principles no longer apply in the new world of today, is especially dangerous. He has not admitted his mistakes nor is he calling us to the tried and true. Sound money, low taxes, solid, steady growth, and increased productivity based on the historic principles of a free economy—

principles that are as immutable as the law of gravity—are the foundation of economic growth, not government spending and Fed maneuvering.

At one of my townhall meetings, a man offered that his daddy always said, "You can't borrow your way out of debt." How true. Shouldn't we be hearing such common sense from the Fed? You can't produce something from nothing. There is no free lunch. Somebody will pay. Our "masters of the universe" think these rules don't apply to them—a most dangerous arrogance indeed.

Right now, the American people, our constituents, are the ones paying. It is time for the "masters of the universe" who are responsible to pay—those who rejected the tried and true; those who believe that since we are blessed with their leadership, with their brilliance, America doesn't have to move forward steadily and soundly; that the old verities do not apply and, if things get a bit dicey, why by exercising their skill and exceptional knowledge they can fix it before anything bad happens. Did that happen before, in 2007? They were not so smart then.

I think these are the most dangerous leaders—the ones who know the rules but believe they are so brilliant that they may ignore them.

Mr. Taylor, the one of the rule, laid it out in the Wall Street Journal on January 11, 2010. I don't see how anyone can seriously argue that keeping interest rates so low, maintaining easy money, during the 2002-2005 period did not play a significant role in the bubble and the resulting bust. Not only was Chairman Bernanke intimately involved in the creation of these disastrous policies, as was President Obama's Secretary of Treasury Geithner, but he maintains today his violation of the Taylor rule was no harm no foul.

Chairman Bernanke should be rejected for his grievous previous mistakes that helped cause this economic debacle, and he should be rejected, even more emphatically, for his failure to learn from his mistakes.

In December, former Chairman Alan Greenspan testified before the Senate Committee on Homeland Security and Government Affairs, saying:

The challenge to contain this threat is more urgent than at any time in our history. Our nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

That is a real warning.

We need a courageous Chairman of the Fed, of the quality and firmness of Chairman Volcker, one who average Americans, and importantly, our top corporate leaders, will recognize as being a consistent voice and force for sound financial policy—one who knows he is not so brilliant that he can cease to be bound by the iron laws of economics and markets.

We need a courageous Fed Chairman who has the firmness of Mr. Volcker to lead us through this period. I have not

seen that in Mr. Bernanke and will oppose his nomination.

I yield the floor.

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

Mr. CONRAD. Madam President, I yield 5 minutes to the Senator from Colorado.

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

AMENDMENT NO. 3302

Mr. BENNET. Madam President. I would like to express my strong support for the Conrad-Gregg fiscal task force amendment. I thank Chairman CONRAD and Senator GREGG for crafting a proposal that rises above petty Washington partisan bickering.

When my oldest daughter Caroline was born in 1999, our Nation's debt stood at about \$5.6 trillion. Our country welcomed her with an unpaid bill totaling \$20,000—the amount every American would have to pay up in order to balance the budget.

But there was reason for hope. A President was working with Congress, using pay-go and discretionary spending limits—and reducing our annual deficit down to virtually zero, even running a surplus in a much stronger economy than today's.

Two years later, we welcomed Caroline's younger sister Halina into our family. Our debt had jumped to about \$5.8 trillion. She also owed about \$20,000. We had a new administration with new priorities—tax cuts that were not paid for, a prescription drug plan that was piled on the deficit, and unfunded mandates like No Child Left Behind, and the war in Iraq.

In 2004, we welcomed our youngest daughter Anne. The debt had skyrocketed to over \$7.3 trillion. Anne's share of the national debt stood at \$25,000.

By Caroline's 10th birthday last year, the national debt stood at about \$11 trillion—double what it was when she was born. She owed about \$36,000 at this point. I would have to say that is a lousy birthday present for any 10-year-old.

Now we have had to deal with the worst recession since the Great Depression, and the necessary steps we have taken to provide middle class and small business tax cuts and preserve jobs for police officers and teachers have contributed to the red ink.

Today, our debt stands at just over \$12 trillion. Each person owes about \$40,000. By 2019, the White House projects that it will double yet again. If we do not come to our senses soon, we may pass the point of no return with this unfair and vast mortgage on our children's future.

The other day I was at a house party in Denver and I was talking about how we were passing this debt on to our kids and they were going to have to pay it back. Caroline was with me. We walked outside the party and she said: Daddy? I said: What? She said: Just to

be clear, I am not paying that back. Which I think is the right attitude we should have. We need to take care of it now.

No Member of this body wants my three daughters or any child to inherit the fiscal mess we have caused. Yet partisan stalemate prevents reform from even getting off the ground.

For my part, I introduced the Deficit Reduction Act, which would reinstitute discretionary spending limits and cap our deficit to 3 percent of the GDP, and I cosponsored pay-go. Yet even ideas as basic as these have faced stiff opposition.

We need the Conrad-Gregg amendment. Their commission would enable Congress to reduce the deficit without the usual backroom deals, appeasing of special interest groups, and engaging in partisan blamesmanship.

It is a shame that a commission is necessary. But it is. We have to take the partisanship out of reducing the deficit or nothing will get done. The commission can do this. Sadly, Congress, left to its own devices, has proven that it will not.

Conrad-Gregg is a chance to make Congress live by fiscal rules. I commend the President for expressing his strong support for this amendment.

And to my Republican and Democratic colleagues, now is our chance to show that you are serious about real reform—serious about reducing our deficit.

I urge my colleagues to follow JUDD GREGG's lead, and to follow KENT CONRAD's lead. They designed this commission to allow for everyone's point of view.

When I think about extending the debt limit, I cannot help but return to my daughters and all the children across this country. They have their entire lives in front of them.

Most of us in this body are parents or grandparents or aunts or uncles. One way or another, we are in public service to help our kids. Let's view the Conrad-Gregg proposal through their eyes. They are depending on us to plan for their future—to pay for our tax cuts and to restrain our spending impulses to only the most important priorities.

I urge support for the deficit commission proposal. We need 60 Senators to stand for fiscal responsibility. Let's not allow this chance for bipartisan breakthrough to pass us by. Vote yes on Conrad-Gregg. I yield the floor.

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

Mr. CONRAD. I thank the Senator from Colorado for his very powerful and persuasive remarks this morning. I hope colleagues are listening. This is a time that will define part of our economic future. This vote this morning will be a vote that will be recorded in history.

Senator BEGICH is seeking time.

Mr. BEGICH. Madam President, I am seeking to speak on this issue.

Mr. CONRAD. I yield 5 minutes to the Senator from Alaska, Senator BEGICH.

Mr. BEGICH. Madam President, I rise today to support the Conrad-Gregg amendment. Our economic recovery and our Nation's long-term economic health are at risk. Americans are watching and waiting for Congress and the administration to do the right thing and not accept the status quo.

Deficit and debt will rise to an unprecedented level in the coming decades without major changes in our fiscal policies. As of today, our national debt has reached a staggering \$12.3 trillion. It has continued to climb at an average of \$3.89 billion per day since the fall of 2007.

I am not complaining. Like you, we are freshmen here. But we were dealt the cards and we have the responsibility to take care of it and handle it. If we do not address this, the Federal debt will go skyrocketing from 53 percent of our gross domestic product at the end of fiscal 2009 to more than 300 percent of GDP in 2050. If we take no action, that will be almost three times the existing record which was set back when the debt had reached 122 percent of GDP at the end of World War II. That would leave the economy vulnerable to significant harm.

Since 2001 we have acted as though debts and deficits did not matter. The national debt has nearly doubled since then because of the way we have paid for things such as wars in Iraq and Afghanistan and the Bush tax schemes. Congresses of the past dealt with these by not paying for them and that has made the recession worse. We are on track to double it yet again. Our economic future is on the line and we must work together to fight for stability and a solution.

The fiscal situation is wreaking havoc in my own State of Alaska. Alaska's unemployment rate is at a record level of 8.4 percent. Our economic security clearly is at risk. China is our No. 1 creditor and has put us on notice regarding their concerns about American economic decisions. What would happen if China and other foreign nations decided they would no longer engage in financial relationships with the United States? The answer is frightening: higher taxes and interest rates.

To my friends across the aisle, let's put aside partisan politics and do what is right for the American people. Many of you are preparing to vote against raising the debt limit as well as the Conrad-Gregg amendment and others. In fact, six of my Republican friends withdrew their support for this amendment this past Friday, just 24 hours before the Obama administration endorsed it. What does that say to the American people? What does it say to the American families trying to balance their family budgets? It says politics as usual.

I know my own constituents expect me to play by the same rules they do, to be responsible and pay the bills. I remind all of you that increasing the debt limit does not authorize a single cent of new spending. It simply enables

the Government to pay the bills and prevents the truly dire consequence that would cripple us if the nation were ever in a position of being in a default.

You have a unique opportunity to show Americans that you are willing to put aside your political differences for economic security and the future of this country. I call upon my six colleagues to reconsider and join me in doing the right thing.

Americans are frustrated by the political games that are played here in Washington. I stand here before you wondering if some of my friends across the aisle are suffering from amnesia. How is it that so many of my Republican colleagues voted seven times to raise the debt limit when they were in the majority and voted at least that many times for policies and spending that were not paid for, but today they stand prepared to vote against America simply paying the bills? I call upon my colleagues on both sides of the aisle to support the Conrad-Gregg amendment or, if that fails, other options that I know will be prepared by Senator BAUCUS and others. It is critical that we deal with this deficit.

Again, I am not complaining. I got elected. I ran for this office. We were dealt the cards and it is the responsibility of this Congress to step up, pay the bills, and look at the long-term future. As Senator BENNET laid out, speaking about his family, his child doesn't want to pay the bill in the future. We have a responsibility and it is a painful responsibility because the bills have mounted and there has been a lack of that responsibility over the last decade plus. But it is incumbent upon us to reach across the aisle and figure out the right solution for the long term.

I yield the remainder of my time.

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

Mr. CONRAD. Madam President, I thank the Senator from Alaska, Mr. BEGICH, for his strong statement. I also thank him for his attention to the deficit and debt. In meeting after meeting, the Senator from Alaska has been one of the leaders, along with Senator BENNET of Colorado and Senator UDALL of Colorado.

Over and over, they have emphasized the need to our colleagues to face up to the debt threat. I very much appreciate their leadership.

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

Mr. GREGG. Madam President, I also wish to express my appreciation to the Senator from Alaska and the Senator from Colorado, Senator BENNET, for supporting this effort by myself and Senator CONRAD.

It is important to note what we are trying to do is address what is coming at us as a fiscal crisis of inordinate proportions which will probably leave this Nation in a situation where it will either be fiscally bankrupt or con-

fronting a massive reduction in the standard of living for our children.

It is a serious issue. I am glad there is a coming together on both sides on the need to address it. At this time I yield 5 minutes to the Senator from Colorado, Mr. UDALL.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I want to start out by acknowledging the tremendous leadership of Senator GREGG and Senator CONRAD. Their work together is a breath of fresh air in a town that, unfortunately, has become polarized over these last months. But the amendment today before us is a chance to start anew.

In that spirit, I rise today in support of the Conrad-Gregg amendment of which I am an original cosponsor. As we have heard, the amendment would create a bipartisan task force to comb through the Federal budget and then make recommendations for reining in our annual exploding deficits.

In this light, I also applaud President Obama's call yesterday for a 3-year freeze in Federal discretionary spending. This is a bold announcement. The President has made clear he has heard the American people, including those from Colorado who have asked that the Federal Government get control over its ever-increasing deficits and debt.

Deficit spending, kept as a manageable percentage of our economic output, is one thing, but a deficit of the magnitude that we now face is not sustainable. The trajectory we are on makes our current annual deficit look like peanuts. We are at, in sum, a critical point in our Nation's economic history. If we fail to address this issue now, the Federal deficit will have significant economic ramifications in the short run, as Senator GREGG has pointed out, and it will severely undermine the prospects for our children and our grandchildren in the long run.

Our exploding debt could drive disastrous inflation and leave future generations with fewer resources to invest in, among other things, infrastructure and education. My colleague from Colorado, Senator BENNET, put it in perspective when he said: Each and every Coloradan today owes \$40,000 to our national debt. In addition, American taxpayers last year put forward \$250 billion to our creditors just for interest payments on our debt. Think what that \$250 billion could have done if it was not directed to those interest payments.

If we do nothing, by the year 2019 the American taxpayers will owe over \$700 billion in annual interest alone. That is more than we spent last year to fund two wars and finance all of our other defense responsibilities.

So we have a daunting challenge. We need to spur job creation, spend wisely, and also chart a course for a balanced Federal budget. Our government, as Senator BENNET pointed out, should live by the same budgeting rules hard-

working Colorado families live by every day. It makes no difference what your political party is, commonsense budgeting is just good policy.

In the coming days I look forward to hearing more about President Obama's proposals to put a freeze in place. I want to study the budget the White House will send us too. I am going to keep fighting for other solutions, practical solutions, to restoring fiscal responsibility, such as tough statutory pay-go rules, earmark reform, a line-item veto authority for the President, and offering the Conrad-Gregg fiscal task force that is before us today.

Unfortunately, as is often the case, partisan politics continues to get in the way of pragmatic solutions, and there has been more interest in casting blame for deficit spending than breaking the mold and trying a new approach. Well, I have something to say today. Both parties are responsible for the present situation. So let's quit pointing fingers and let's go to work and bridge our political divides. We can do that by putting in place this bipartisan fiscal task force to review the entire budget and then force us to take a vote on those recommendations.

It will be a hard pill to swallow, but it is medicine that we need to take. In today's political atmosphere, it is unfortunate that the Democrats and Republicans have a hard time finding common ground. But this Gregg-Conrad Commission provides a strong example of how we indeed can and must work together on bipartisan solutions to meet our Nation's most pressing problems.

Coloradans, I know, expect no less from me or from Senator BENNET. The fact that President Obama has signaled his strong support for this amendment underlines the critical importance of this effort.

Back in Colorado, back in New Hampshire, back in North Dakota, and throughout the rest of the United States, families are tightening their belts, living within their means, and paying down their own personal debt. When they look at Washington, all they see is partisan bickering and exploding national debt, and no efforts to find viable solutions.

So, in my opinion, and the opinion of many Senators, the best and perhaps the only way to effectively address this potential calamity of a tsunami of debt is through a special process such as that being proposed by Senators CONRAD and GREGG.

I urge my fellow Senators to support this amendment. We can move ahead in a responsible and important way.

I yield the floor.

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

Mr. CONRAD. Madam President, I thank the Senator from Colorado, Mr. UDALL. Over and over, he has emphasized the need for fiscal responsibility in dealing with the long-term debt. I very much appreciate his words this morning.

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

Mr. BAUCUS. Madam President, I do not think there is any disagreement among Senators that it is important to reduce our deficit and debt. That is not the issue at all. So that should be off the table. The question is how.

Madam President, the journalist Brooks Atkinson once said:

The perfect bureaucrat . . . is the [person] who manages to make no decisions and escape all responsibility.

The Senators from North Dakota and New Hampshire have come up with the perfect process to transform all Senators into bureaucrats. They have come up with a process that saves all Senators from making decisions.

They have come up with a process to escape Congress's central responsibility.

At the core of the Conrad-Gregg proposal is the idea that Senators could not amend this new commission's recommendations. Senators could not change the commission's product. Senators could not exercise their central responsibility as legislators.

Two things most define a Senator. Senators can amend legislation, even with different subjects. And Senators can debate legislation, sometimes at length. The Conrad-Gregg proposal curtails both of those defining powers.

The Conrad-Gregg proposal completely eliminates the ability to amend. And the Conrad-Gregg proposal sharply limits the ability to debate.

And that is why the first amendment that this Senator offered would protect Social Security. The Conrad-Gregg proposal would not allow Senators to offer amendments to protect Social Security later. So that is why we have to vote to protect Social Security now, while we still can.

The Conrad-Gregg proposal would allow Senators to escape responsibility for cutting Social Security later. So that is why we have to vote now, while we still can, to ensure that this new commission cannot cut Social Security later.

Social Security is a solemn contract that we as a Nation made with our seniors. They were the Greatest Generation. They fought World War II. They fought in Korea. They worked a lifetime. They paid their taxes. And now, we owe them the benefits that they earned.

Social Security is one of the greatest poverty-fighting machines ever invented. If Social Security did not exist, 44 percent of America's seniors would live in poverty today. Social Security lifts 13 million American seniors out of poverty.

America's seniors rely on Social Security. For two-thirds of America's seniors, Social Security provides most of their income. For one-third of America's seniors, Social Security provides almost all of their income.

The chairman and ranking Republican member of the Budget Committee

have painted a big red bull's-eye on Social Security. Their commission is a Social Security-cutting machine.

This morning, we will put that proposition to the test. If Senators want to put Social Security on the cutting table, then they should vote against my amendment. But if they truly want to protect Social Security, if they do not want this new commission to cut Social Security, then they should vote for my amendment.

At least with regard to Social Security, let us not stand by like bureaucrats. Let us take responsibility. And let us protect this vital lifeline.

I regret that I have only one other amendment slot available to me. Because I also want offer an amendment to protect veterans programs. We owe a solemn duty to America's veterans, as well.

I also want to offer an amendment to protect America's ranchers and farmers from this commission's cuts.

I also want to offer an amendment to protect America's poorest citizens from this commission's cuts to Medicaid.

The point is: We don't know where this commission will cut. All we know is that if we adopt this new Conrad-Gregg commission, we will not be able to offer amendments to stop it from cutting Social Security, Medicare, veterans programs, farm price supports, or the safety net for the poorest among us.

Yes, we should address the fiscal challenges before us.

But that does not mean that we have to become bureaucrats. That does not mean that we have to stop making decisions for ourselves. That does not mean that we have to give up all responsibility.

For those who favor creating a fiscal commission, there is an alternative. Pending before the Senate, in addition to the Conrad-Gregg commission, is this Senator's amendment to create a fiscal commission.

My amendment would create the exact same commission as the Conrad-Gregg amendment. But my amendment would not create new fast-track procedures for the commission's product.

Thus, my amendment would allow Members of Congress from both parties to come together to formulate policies to address our fiscal challenges.

But my amendment would protect the rights of Senators to offer amendments to the commission's recommendations. My alternative would allow Senators the best of both worlds—a bipartisan statutory commission, without the damage to the Senate's process.

Some who advocate the Conrad-Gregg amendment have asserted that we have employed special procedures like the Andrews Air Force Base summit to enact prior budget agreements. They cite these budget agreements as a reason to adopt the Conrad-Gregg amendment.

But let's look at two recent budget agreements, those of 1990 and 1997.

Both of these agreements led to substantial deficit reduction.

Congress enacted both of these budget agreements using the existing budget process. Both in 1990 and in 1997, Congress employed the budget reconciliation process to enact these agreements.

And as a result, the Senate considered numerous amendments to each of these amendments.

The 1990 budget agreement had the support of the first President Bush as well as the Democratic leadership of Congress. Even so, the Senate considered 23 amendments. The Senate voted on 21 amendments to that legislation. That was a broad, bipartisan agreement. But the Senate still allowed amendment. And then, the Senate passed that landmark legislation, using the existing budget process.

Again, in 1997, the President and the congressional leadership came together in a bipartisan budget agreement. That time, in 1997, it was President Clinton and the Republican leadership in Congress. And even though it was a bipartisan agreement, the Senate considered 77 amendments. And the Senate voted on 47 amendments to that legislation. And then, the Senate enacted that landmark legislation.

Thus, in the two most successful recent bipartisan efforts to enact substantial deficit reduction, the Senate employed the existing budget process. And the Senate allowed Senators to amend those agreements.

That is the process that Congress employed in 1990 and 1997. And that is the process that Congress should employ to implement any bipartisan agreement today.

This Senator knows something about bipartisan agreements. This Senator knows something about legislating.

Moving major legislation is not easy. But it is not impossible, either.

This Senate has, in recent memory, passed legislation to reform health care. We have enacted legislation to expand coverage for children. We have enacted legislation to provide life-saving prescription drugs to America's seniors. We have enacted legislation to cut taxes broadly for middle-income Americans.

And this Senate has, within the memory of this Senator and many of our colleagues, enacted major deficit reduction legislation in 1990, in 1993, and again in 1997.

None of those efforts came easily. But then, few good things in life do.

That does not mean that they were impossible. That means that they took skill. That means that they took effort. That means that they took courage.

Bureaucrats do not enact great legislation. Senators do.

I call upon my colleagues. The people of our States elected us to do this work. Let us not shirk our responsibility.

Let us make decisions for ourselves. Let us accept the responsibility that

our constituents gave us. And let us reject this commission.

AMENDMENT NO. 3300, AS MODIFIED

Mr. BAUCUS. I ask unanimous consent that my amendment No. 3300 be modified with the modification I send to the desk.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

The amendment (No. 3300), as modified, is as follows:

At the appropriate place, insert the following:

() (a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or the taxes received under subchapter A of chapter 9; the taxes imposed by subchapter E of chapter 1; and the taxes collected under section 86 of part II of subchapter B of chapter 1 of the Internal Revenue Code.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the 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 in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BAUCUS. This modification, which I make on behalf of Senator GRASSLEY and myself, would make clear that changes to Social Security taxes would be off the table, as well.

The Parliamentarian's Office has advised us that this is how the Chair would have interpreted my original language. This modification makes that entirely clear.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, would the Chair advise us as to the status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 19 minutes, 13 seconds remaining. The Senator from Montana has 4 minutes remaining. The Senator from North Dakota has 6 minutes remaining.

Mr. GREGG. I yield 5 minutes of my time to the Senator from North Dakota.

Mr. CONRAD. I thank the Senator from New Hampshire and the Chair.

Mr. President, this debate is about the economic future of the country. This is the headline in Newsweek magazine from December 7, 2009: "How great powers fall. Steep debt, slow growth, and high spending kill empires—and America could be next."

If you go to the inside of the story, it reads:

This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy and Air Force. . . . If the United

States doesn't come up soon with a credible plan to restore the federal budget to balance over the next five to 10 years, the danger is very real that the debt crisis could lead to a major weakening of American power.

That is what this debate is about. We are on a course that is totally unsustainable. We are headed for a debt of 400 percent of the gross domestic product in 50 years. That is the estimate of the Congressional Budget Office and others who have looked at it, including the Government Accountability Office and the Office of Management and Budget. All of them have warned that we are on an utterly unsustainable course.

The National Journal, in an article on November 7 last year, said:

The debt problem is worse than you think.

In the article, they said:

Simply put, even alarmists may be underestimating the size of the (debt) problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

Senator GREGG and I, after several years of effort and consultation with our colleagues, have come up with a proposal we will be voting on in just minutes. It provides that all task force members are directly accountable to the American people. There are 18 members of the task force—16 Members of Congress evenly divided between Democrats and Republicans and 2 representatives of the administration, with the Secretary of the Treasury being specifically named.

For those who have asserted that this is an outsourcing of our responsibility, no, this is an outsourcing to ourselves. Sixteen of the 18 members of the commission are Members of Congress. Two are representatives of the administration. It is currently-serving Members of Congress selected by the Democratic and Republican leaders, with the Treasury Secretary and one other official representing the administration. These are people who are accountable to the American people. This is not an abdication of responsibility; this is an acceptance of responsibility, an acknowledgment that what we have been doing has not worked. What could be more clear?

The record is there for everyone to see—a doubling of the debt in the previous administration, a scheduled doubling of the debt in the current administration if we fail to act. The fiscal task force we have proposed has everything on the table, spending and revenues.

The proposal we have made provides for an expedited process, with recommendations to be received after the 2010 election, with fast-track consideration in the Senate and the House. It is true, we have a proposal that does not permit amendments. Why? Because all of us know the game that is played. If we permit amendments, there will be a Democratic amendment and there will be a Republican amendment. There will be a dozen other amendments that will suggest they have a way of doing

what needs to be done, and that will then permit them to actually vote against the final resolution. That is what has happened year after year, as the debt has mounted and mounted.

What we are proposing leaves no place to hide. Let's give 18 Members and representatives of the administration the responsibility to come up with a plan, and then let's vote on the plan, with the final vote before the 111th Congress adjourns. Every Member of this Senate will have a chance to vote. When they say this is outsourcing, it is outsourcing to Members of Congress and the administration to come up with a plan. There is no outsourcing of the vote. The vote is going to occur right here and in the House.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. GREGG. I yield the Senator an additional 4 minutes.

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

Mr. CONRAD. In addition, we have done everything we can, Senator GREGG and I, to ensure a bipartisan outcome. Fourteen of the 18 task force members must agree to the recommendations. Final passage requires supermajorities in both the House and Senate. The President still retains his veto power. Make no mistake, Congress makes this decision and the President must agree.

The President has issued this weekend a very strong endorsement of the proposal. He said:

That's why I strongly support legislation currently under consideration to create a bipartisan, fiscal commission to come up with a set of solutions to tackle our nation's fiscal challenges.

The American people support this effort. In a recent poll by Peter Hart, 70 percent favor the creation of a bipartisan commission.

On the question of what is included, we have said everything should be included. Why? Look at where we are. The red line is the spending line. Spending as a share of our national income is the highest it has been since 1950. Spending is the highest it has been in 60 years, and revenue is the lowest it has been in 60 years. Of course, the task force has to look at both.

The assertion has been made that the task force would put the bull's-eye on Social Security and Medicare. We have just learned from the Congressional Budget Office that Social Security is cash-negative today, and the report just released 1 hour ago by the CBO says that Social Security is going to be cash-negative every year but two until 2016 and then it is going to be permanently cash-negative. Those who want to defend Social Security are going to have to change Social Security because Social Security is headed for insolvency. The same is true of Medicare. Medicare is cash-negative today. The trustees tell us it will be bankrupt in 2017, 7 years from today.

Let me conclude by saying that over and over we have heard people come to the floor and say: We know we have a problem. How do we deal with it? I suggest to my colleagues, trying what we have been doing is a proven failure. It is time for something different. It is time for an attempt that brings both sides together, Republicans and Democrats, with an assurance that the recommendations of the commission come to a vote to face up to this debt threat. Make no mistake, this country confronts one of the greatest economic challenges in our Nation's history. The question before us today is, Do we have the courage to stand up to it?

I know groups on the right and the left are right now calling our colleagues asking them to vote no. Groups on the right are saying: Well, this could lead to more revenue. Groups on the left are saying: This could lead to reductions in entitlement programs.

Everything must be on the table. America must take charge of its economic destiny. Now is the time. Now is the opportunity. This is a bipartisan proposal to take the debt threat on in a bipartisan way. I urge my colleagues' support.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. What is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire has 9½ minutes. The Senator from Montana has 4 minutes. The Senator from North Dakota has 6 minutes.

Mr. GREGG. Did the Senator from Montana wish to speak?

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. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3300

Mr. GREGG. Mr. President, let me first address to my colleagues the issue of the Baucus amendment, as modified now by the Grassley language. I think it is an important amendment.

A lot of my colleagues on our side of the aisle have come up to me and said: We are concerned about the tax issue. I know a lot of people on the other side and our side of the aisle said: We are concerned about the Social Security issue. As I understand the Baucus-Grassley amendment, it essentially says: There is a 60-vote point of order now on Social Security benefits and taxes, so that before you can proceed to the commission's up-or-down vote, you will get two more votes—one on Social Security benefits and one on payroll taxes. So there can be no question but that those two extraordinarily sensitive issues are raised and are aggressively handled in a bipartisan way because you would have to waive it with 60 votes.

That is an important point. The reason I raise it is because I don't think there is a real issue here with Social Security benefits or taxes. I know the interest groups out there are ginning up the issue. That is what they do. That is how they make their money. That is how they get to drive around town in limousines. They send out fundraising letters and say: Conrad-Gregg is going to destroy Social Security or it is going to raise taxes. But that is not going to happen. Who is on the commission? There are eight people appointed by our leadership, Senator MCCONNELL and Congressman BOEHNER, and there are eight people appointed by your leadership, Senator REID and Speaker PELOSI.

So we are giving them a gun. Do you think they are going to put the gun to their head and pull the trigger on taxes or on Social Security? Of course not. They are going to act responsibly. The proposal they come back with is going to be bipartisan. That is the whole purpose. It is fair, it is balanced, and it will make progress. It will not completely resolve the problem, but it will make progress, and it will say to the world: We are making progress on this absolutely critical problem; which is the fiscal insolvency of our Nation that we are headed toward.

We know, without question, our country goes into what amounts to fiscal bankruptcy probably within 7, maybe 10 years. We will be unable to catch up with the debt we have put on the books. We will be unable to pay for that debt in a reasonable way because, basically, people are going to start saying: I am not going to lend you guys any more money, except at outrageous interest rates.

So we have to take action. We can wait until the time happens. We can wait until we hit this wall. We can wait until we go off this cliff, where our debt goes to 100 percent of GDP, which we know will happen. Today it was reported our deficit this year is going to be at least \$1.34 trillion, and for as far as the eye can see it is going to be \$1 trillion-a-year deficits and the debt will have doubled in 5 years and tripled in 10 years.

The practical implication of that is our Nation is on a path that is absolutely unsustainable, where our children will get a country where they cannot afford to pay down that debt or, if they do pay it down, it is going to basically take away the resources they would have used—our kids would have used—to buy a house, send their kids to college or get a new car.

Something should be done now. Why wait until we hit the wall? Isn't it our job, as responsible people, as the people who have been entrusted with the governance of this Nation, to do something? If you want to look at the scene of the crime where this has happened, it has happened in the Congress. We are the ones who have put on the books the policies which have led to this crisis, this looming crisis. So it should be our

job to straighten it out. That is what this commission, this task force does. It is balanced, it is fair, and it is structured in a way that will be bipartisan because it requires a supermajority—14 of the 18 people—just to report the proposal. Then it requires a supermajority to pass it in both Houses. Then the President has to sign it or it comes back for a 67-vote veto override vote, which is a true supermajority.

So this proposal will be absolutely bipartisan, it will be balanced, it will be fair, it will address the outyear fiscal insolvency of this Nation, and it is the only game in town. There are a lot of other proposals floating around this place, but they are all political cover. That is all they are. They are all political cover. They are structured basically to give people a vote so they can go back and run a campaign ad and say: I was acting responsibly. I voted for the XYZ proposal. But none of those proposals work. We know they do not work. We have been here before. We have seen this before. We have seen this story before. Regular order does not work around here.

So unless you have fast-track approval, unless you have an up-or-down vote, unless you have no amendments—for the reasons the Senator from North Dakota has outlined—unless you have a balanced commission with a supermajority to report, you do not get bipartisanship, you do not get fairness, and you do not get action. So what we propose leads to action.

I wish to say, again, especially to people on my side, if you are concerned about this tax issue—which I think is a straw dog because I know MITCH MCCONNELL is not going to appoint four Senators to this group who are for some sort of massive expansion in taxes, and certainly Congressman BOEHNER is in the same camp, so I think it is a straw-dog argument being ginned up by people who basically have other agendas, in my opinion—but if you believe it is a serious argument, then the Baucus amendment takes it away. It essentially takes it away, the Baucus-Grassley amendment.

So I would hope people would look at that amendment and agree with the chairman of the Finance Committee, the Senator from Montana, Mr. BAUCUS, that this is an appropriate amendment because it redresses the concerns around here on the issue of taxes and on the issue of Social Security and it makes this whole process even stronger.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Thank you, Mr. President.

I thank the Senator from New Hampshire, Mr. GREGG.

There is a real reason why it is important to protect Social Security. Social Security is probably the most successful social program this Congress, this country, has ever adopted. Look

how many people it has helped. If we did not have Social Security today, 44-some percent of American seniors would be living in poverty—that many. At one time, it was 50 percent. It is close to 50 percent of America's seniors who would be living in poverty today without Social Security.

These are mostly people who have worked hard during their lives: the World War II generation, the product of the Great Depression, the Korean war. These are hard-working Americans, the real soul of America, by and large, and they deserve Social Security.

About one-third of America's seniors today get almost all their income from Social Security. About one-third get almost all their income from Social Security. So why in the world would we even contemplate cutting Social Security? It makes no sense. That is why I offer this amendment, to make it clear we do not cut Social Security.

Social Security, also, is not a big problem in our American fiscal situation. Social Security does not go “belly up” until about the year 2043. It is not a big problem in our fiscal situation. It is not. There are also reasons why we protect Social Security. Other reasons are recognized by this Congress. In 1985, for example, Senator Hawkins from Florida offered an amendment that passed that Social Security be exempt from the reconciliation process. That is in the law today. In 1990, we took Social Security out of the unified budget. That is in the law today.

This body, this Congress, over the years, has recognized the importance—not the importance, the critical importance—of Social Security. It is so important that it should not be part of reconciliation, and it should not be part of the unified budget. We should protect Social Security. So I say to my colleagues, vote for this amendment I am offering to protect Social Security. Show to American seniors we hear their needs, we are taking action to protect them.

I hope very much this amendment passes because then it will take one item off this budget commission, if it passes; and it should not pass, in my judgment. I will have more to say about that later because the regular order has worked here. We have cut the budget three times in the regular order since 1990. It works. That is what we, as Senators, should do. We should use the regular order to make sure we do get our fiscal situation back in order. But first let's vote for the amendment to protect Social Security.

Mr. President, I reserve the remainder of my time.

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

Mr. CONRAD. Mr. President, I have no problem with the amendment offered by Senator BAUCUS. Basically, what it does is creates another 60-vote hurdle to any work the commission would do, and this underlying proposal requires 60 votes. So I do not see the Baucus amendment as a problem for

the vote that will follow. So I would say to Members, Senator BAUCUS has made a strong argument for his amendment and to have another 60-vote hurdle does not change what would be required to get a commission recommendation because we would require 60 votes.

The far larger question is whether we have an alternative approach to what we are currently doing. What we are currently doing I do not think is poised to deal with the challenge of the debt threat confronting the United States. I do not think it is possible for it to cope effectively with what we confront.

Is the Senator from Minnesota seeking time?

Ms. KLOBUCHAR. No, I am not. Thank you.

Mr. CONRAD. I do not see that the Baucus amendment does fundamental damage to the amendment that follows, and to put up another 60-vote hurdle to protect Social Security is not an unreasonable request by the Senator from Montana, the chairman of the Finance Committee.

On the second vote, I think it is absolutely critical we continue the momentum that has been building to sending a message to the American people and the markets all across the world that the United States is prepared to stand and deal with this debt threat.

Mr. LIEBERMAN. Mr. President, the Senate is at its best when we tackle challenges together, Democrats, Republicans, and Independents working together to solve the big problems that confront this country.

Today we face a monumental problem—our fiscal crisis. Consider the measure before us now; legislation to increase the statutory limit on public debt to over \$14 trillion—a staggering number. Many of us are loathe to approve this measure to allow the Federal Government to add nearly \$2 trillion to our national debt.

Yet the alternative is also not acceptable; namely, that the United States default on its obligations. If we fail to increase the national debt limit, the United States would have to suspend payments for Active-Duty military salaries, for Social Security benefits, for veterans' compensation and pension payments, and for unemployment benefit and Medicare payments to States.

Still, we should not approve this dramatic expansion of public debt without taking steps here and now to reverse course and get control over this economic crisis. We can do that in a bipartisan manner by approving the Conrad-Gregg amendment. This amendment, which I have cosponsored and which has the support of President Obama, would put in place a commission to make recommendations on how to reduce the deficit. These recommendations would be considered by the House and Senate under fast-track procedures and would not be amendable.

Like so many Americans I have become increasingly alarmed by the mag-

nitude of mounting debt our country carries and the potential impact of our unfunded liabilities. I believe that if we fail to act, we will be confronted with an economic tsunami that will far surpass the current crisis. The adoption of this amendment to authorize a fiscal commission will be the first step toward preventing the economic disaster that is looming on the horizon. And, adoption of this amendment will send a message to the American people that Democrats, Republicans, and Independents are ready to work together to put our country first and address the critical issues of the day.

Earlier this year I joined my colleague, Senator VOINOVICH, in introducing a similar bipartisan proposal, the SAFE Commission Act, and last month I joined the chairman of the Senate Budget Committee, Senator CONRAD, and the ranking member, Senator GREGG, in introducing the Bipartisan Task Force for Responsible Fiscal Action Act of 2009, a bill which is reflected in the amendment before us. Both bills call for a fiscal commission to make recommendations on how to restore fiscal sanity and balance. And both bills require that the recommendations be considered under fast-track procedures under which amendments are not allowed. My committee, the Senate Homeland Security and Governmental Affairs Committee, held a hearing on fiscal commissions last year and heard testimony from Senators CONRAD and GREGG as well as former Federal Reserve Chairman Greenspan and former Comptroller General David Walker in support of this concept.

As our long-term economic challenges mount, the need for this type of commission is ever more evident. I have no doubt that all my colleagues are aware of the daunting numbers:

Our national debt is about \$12 trillion and rising.

Nearly half of the \$7 trillion in publicly held debt is held by foreign governments.

Interest on Treasury debt securities this year is \$382 billion. Consider now many worthwhile programs we could fund with \$382 billion.

Our current national debt pales in comparison to our unfunded promises and commitments.

Current unfunded liabilities considered together total \$56.4 trillion, according to information published by the Peter G. Peterson Foundation.

Mr. President, \$36.3 trillion of this is Medicare benefits not covered by taxes and other contributions, and \$6.6 trillion of this amount is Social Security benefits not covered by taxes and other contributions.

This unfunded liability comes to \$483,000 for each American household.

Total spending for this current year is around \$3.7 trillion, and only \$1.2 trillion of this is discretionary, or subject to appropriations. Simply put, we have very little control over most of our spending. And this pattern only

gets worse as the 77 million baby boomers retire in ever larger numbers further straining the balance sheets for Medicare and Social Security. My great concern in the context of health care reform has always been that we not do anything to exacerbate the uncontrollable costs on our national ledger.

Our children and grandchildren must pay these bills and face the economic perils that large deficits can induce, including reduced national savings, pressure on interest rates, and dependence on foreign governments to finance our debt. Recently, a lead Moody's analyst, when commenting on our current and projected deficits, stated that the AAA rating of the United States is not guaranteed.

The solutions to addressing our staggering fiscal imbalances revolve around implementing unpopular measures like cutting spending or raising revenues, and controlling health care costs. Yet Congress as an institution has proven itself incapable of enacting such bitter medicine. Our constituents don't want their taxes raised, their benefits cuts, or their Federal services pared back. The very structure of Congress makes it difficult to advance the kinds of legislative proposals that are necessary to achieve substantial and long-term fiscal balance in the face of constituent opposition. And the partisanship that has become pervasive makes a difficult task impossible.

This is why I am convinced that the only way to enact real fiscal reforms is by a special process such as that contained in this proposal to establish a fiscal commission. I commend President Obama for coming out in support of this amendment and urge all Members of this body to vote for this amendment and in doing so vote for the future vitality of our economy and strength as a nation.

Mr. KERRY. Mr. President, this vote is a difficult one for procedural and process reasons. Many of us worry about the precedent of circumventing key Senate committees on such vital issues where Congress's responsibility is clear and compelling.

Still, a larger and looming reality is staring us in the face. This is no ordinary moment. We cannot continue our current fiscal path and rely on China to finance our debts for decades. With the Federal budget deficit at \$1.4 trillion this year alone and the Federal debt at above \$12 trillion, it is undeniable that we must together address soaring Federal spending and revenue issues, and we must also find real answers that preserve critical programs like Social Security and Medicare for future generations.

We have been in difficult fiscal circumstances before. When I first came to the Senate, we were saddled with then-record deficits and I broke with many in our caucus to support the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act of 1985. That initiative wasn't per-

fect but it was a start—and it marked a break with an attitude that the sky was the limit for spending. During the 1990s, I supported spending cuts and fiscal restraint that helped lead to budget surpluses. Unfortunately, in 2001 we began an 8-year period where the Vice President of the United States himself famously advised that “deficits don't matter.” Run-away spending coupled with massive tax cuts for those at the top helped turn projected surpluses into all too real record deficits. Two wars, and a near-financial collapse, bail-out, and a needed stimulus have all added to the situation we face today. We need to put aside partisan differences and work together to control the deficit.

That is why I have voted in favor the Conrad/Gregg amendment which creates a bipartisan fiscal task force. These issues cannot be ignored. There are many ways we must tackle them in the years ahead—and this commission should be just one of them, and I also believe Congress should have the opportunity to amend the task force recommendations. I will continue to work with Senate Budget Committee Chairman CONRAD and President Obama to develop a task force that will put our Federal budget on a sustainable path.

In the past, I have introduced line-item veto legislation and cosponsored legislation to address corporate subsidies. These ideas need to be revisited. We should be open to all ideas that will reign in looming deficits. The bottom line is undeniable: these questions cannot be deferred or denied, they must be addressed, and that will require more—much more—than this single vote by the Senate.

Ms. MIKULSKI. Mr. President, people are angry and they are anxious. They are worried their middle class way of life is slipping by. During the last several months as I listened to people they had very clear messages.

First, ensure the solvency and stability of Medicare and, they said, no Medicare rationing.

Second, they said to get the government's fiscal house in order. They said to be as frugal as they have to be in their own homes.

I absolutely agree the government has to get its fiscal house in order. And I am unrelenting in making sure that Medicare is there when people need it, and is there in the way their doctor says they need to have it.

I fear this commission is a back door to rationing Medicare. I pledged during health care reform, and I pledge now, I will not ration Medicare.

I agree that Congress needs a gut check on spending, but we don't need a gutless vote. I worry that this commission will be a fast track process to ration Medicare run by a group with limited accountability selected by the very same politicians who were incapable of making the tough decisions. I will not vote for a commission to ration Medicare.

Social Security is not the real cause of the debt crisis. It has never added to

the debt. It can be fixed through regular order with small tweaks that don't cut benefits.

I believe tough decisions on the budget and revenue should be made in the full light of day and through regular order with full accountability, and without subcontracting responsibility to a commission.

I support the goal of fiscal responsibility. We need urgent action. We must clean up the mess of many years of failed economic policies while ensuring the long-term health and economic security of Americans through the protection of Medicare and Social Security and at the same time, be aware that we must deal with job creation and the wrenching problem of home foreclosures.

I have made tough budget decisions in the past. I opposed tax cuts that went to the lavishly wealthy and cuts that let hedge fund managers pay lower taxes than their secretaries. I opposed tax cuts for corporations that shipped jobs overseas. I have used the powers of both my office and of other institutions to fight waste, fraud and abuse.

In the late 1990s, I was one of nine votes against repealing the Glass-Steagall Act which allowed banks to make risky bets with families' checking accounts with little regulation and no accountability, leaving taxpayers to clean up the mess with TARP. And it created the go-go permissiveness that got our economy into a ditch with a big recession that is part of the debt problem.

During the prescription drug debate I voted against the bill because Bush and the Republican Congress refused to allow the government to negotiate with drug companies for lower prices. It was just one more give away for drug and insurance companies so they could charge seniors and the government more for prescription drugs.

I have stood for strong and independent inspectors general at Federal agencies so they have power to ensure fairness and accountability. I asked the Department of Justice IG to investigate when political appointees were awarding grants to their friends. And IG made recommendations to reform the grant process.

I asked the Government Accountability Office to recommend reforms for the Chesapeake Bay Program to focus the bay program on results because the bay program was fudging its data to overstate progress in cleaning up the bay.

I have fought on my own committee against botched government boondoggles—lavish conferences with \$4 meatballs at the Department of Justice, satellite construction contracts that have run billions over budget and years behind schedule, and Enron-like accounting in the AmeriCorps Program.

And I have supported strong protections for whistleblowers, so talented civil servants can come forward about wrongdoing without fear of retribution

when they uncovered corrupt practices. I believe some commissions can work, like the Bipartisan Policy Center's Debt Reduction Task Force headed by Pete Domenici and Alice Rivlin that will issue tough recommendations on revenue and spending.

I look forward to their findings and I want to hear recommendations from others. I would support a commission like the one proposed by Senator BAUCUS where there could be amendments and full debate so we could vote to stop the rationing of Medicare and raising taxes on the middle class.

I support the goal of fiscal responsibility. I don't support this process with its fast-tracking, muffling of amendments and limited debate. This is not the way to address programs touching every American family. I don't support shifting the burden and risks to seniors and their families.

I will not support this commission or rationing Medicare, raiding Social Security or any backdoor way of raising taxes on the middle class.

Mr. SPECTER. Mr. President, I agree with strong comprehensive efforts to eliminate the annual Federal deficit and reduce the national debt. Regrettably, the events of the past several decades demonstrate that Congress has failed to demonstrate the political will to deal with the deficit and debt.

However, I am concerned about legislation to delegate to a commission Congress's core constitutional responsibilities on matters like Social Security, Medicare, and revenue.

I was deeply involved in a related issue when I was the lead party-plaintiff and personally argued against the closing of the Philadelphia Navy Yard in the case of *Dalton v. Specter*. In a similar context, the Congress created a military base closing commission which decided which bases to close with only a yes-or-no vote by Congress on the entire package. I argued the case personally in the Supreme Court of the United States in 1994 and the Court upheld the closing of the Philadelphia Navy Yard in the context that the Court would have had to overturn closures of some 300 other bases involved in the same commission report.

It is a tough vote to again vote to raise the debt ceiling, but it is indispensable if the U.S. Government is to function and retain its credit standing in the world commercial markets. I will continue to work and to press my colleagues to exercise the political will to eliminate the deficit and reduce the national debt.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes.

Mr. CONRAD. How much time does Senator BAUCUS and Senator GREGG retain?

The PRESIDING OFFICER. The Senator from Montana has 1 minute. The Senator from New Hampshire has 20 seconds.

Mr. CONRAD. All right.

Mr. GREGG. Mr. President, I am sorry, what is the time again?

The PRESIDING OFFICER. The Senator from New Hampshire has 20 seconds.

Mr. CONRAD. Mr. President, would the Senator like me to yield half my time to him?

Mr. GREGG. No. I will yield my 20 seconds to the Senator from North Dakota to complete our presentation.

Mr. CONRAD. I thank the Senator. Let me go back to where I began.

What is this about? This is fundamentally about the economic future of the United States. Newsweek magazine, cover story, December 7: "How Great Powers Fall." "Steep debt, slow growth, and high spending kill empires."

Colleagues, is there any doubt we are on a collision course with economic reality? The Congressional Budget Office, 1½ hours ago, issued a new report saying the deficit for this year will be \$1.350 trillion—\$1.350 trillion—and, in coming years, staggering deficits for as far as the eye can see. The debt—which swelled to more than double its 2001 level during the previous administration's 8 years—the debt is expected to rise by a similar magnitude over the next 5 years and then again in 10 years.

There is, to me, no question that doing things the same old way that has led to this crisis is unlikely to lead to a different result. Senator GREGG and I have a special responsibility to our colleagues with respect to the budget. The budget process—if you look at it—we have done 35 budgets since the Budget Act; 29 of the 35 have been for budgets of 5 years or less. This is not a 5-year issue; this is a long-term issue. In the short term, we have had to take on more deficits and debt to prevent a global economic collapse. But now we must pivot and put in place a long-term plan to deal with the crisis confronting this Nation.

That crisis is a debt threat of unprecedented proportion. Never before in American history have we faced the prospect of a debt that would reach 400 percent of the gross domestic product of the country; increasingly, that debt is financed by borrowing from abroad. Last year, a substantial portion of the debt was financed by foreign entities.

This is the time. This is the moment. This is the chance for us to put in place a process to deal with the debt. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 1 minute remaining.

Who yields time?

The Senator from Montana is recognized.

AMENDMENT NO. 3300

Mr. BAUCUS. Mr. President, I am happy to learn from the Senator from North Dakota he favors my amendment or at least he says it would not cause any injustice to his central mission.

My main point is, the regular order does work here. In 1990, 1993, 1997, Con-

gress passed reconciliation budget resolutions that worked, and I believe, frankly, we have it within ourselves as Senators to do the same again, to pass a budget resolution through reconciliation to get the deficit under control, working with the President. I very much hope the President, in his State of the Union Message and his budget that is placed in the Congress, starts to get the budget under control. Very much of this depends upon the President and working with the Congress. It is not just Congress. I urge all of us to remember the regular order has worked in the past. It has worked several times.

The Andrews Air Force Base agreement was put through regular order. Regular order does work, and that is what we as Senators should do. We are not bureaucrats. We are Senators.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Baucus amendment No. 3300, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—97

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

NOT VOTING—3

Murkowski Warner Webb

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is agreed to.

AMENDMENT NO. 3302

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. 3302, offered by the Senator from North Dakota, Mr. CONRAD.

Mr. CONRAD. Mr. President, how much time is available?

The PRESIDING OFFICER. There is 1 minute on each side.

Mr. CONRAD. Mr. President, I will take 30 seconds.

I believe this is a defining moment for this Chamber and for this Congress. The question before the body is will we adopt a special process to face up to the debt threat looming over this Nation. We are headed, I say to my colleagues, for a debt 400 percent of the gross domestic product of this country.

Senator GREGG and I have proposed, in a bipartisan way, with bipartisan cosponsorship, a plan to look at spending and revenues. The revenues are the lowest they have been in 60 years. The spending is the highest it has been in 60 years. It is time for us to take on this challenge, to do it together, to strengthen our Nation.

I urge our colleagues to vote aye.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, there is no doubt that we have to get our fiscal house in order. That is not an issue before us right now. So let's take that off the table. All Senators agree we have to address our fiscal situation.

Second is the question of what is the best way to do it. I remind our colleagues that we have used the regular order to cut budget deficits in 1990, 1993, and 1997. The Andrews Air Force Base summit agreement was passed through regular order, through reconciliation. We have done it. We have used reconciliation, regular order to get budget deficits under control.

In addition, I have an alternative commission amendment. It is the same as the Conrad commission but with one exception, and that is it is amendable on the floor of the Senate. So if you want to have some sense of Senators—we are not going to be bureaucrats, we are going to be Senators—my amendment allows a commission where we as Senators can amend the commission's recommendations.

Regular order has worked in this body—new Members do not know that—in 1990, 1993, and 1997.

The PRESIDING OFFICER. The Senator's time has expired.

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. 3302.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—53

Alexander	Franken	Lugar
Bayh	Gillibrand	McCaskill
Begich	Graham	Menendez
Bennet	Gregg	Nelson (NE)
Bingaman	Hagan	Nelson (FL)
Bond	Isakson	Pryor
Boxer	Johanns	Reid
Carper	Johnson	Schumer
Chambliss	Kaufman	Shaheen
Collins	Kerry	Tester
Conrad	Klobuchar	Udall (CO)
Corker	Kohl	Vitter
Cornyn	Landrieu	Voinovich
Dorgan	Leahy	Warner
Durbin	LeMieux	Webb
Enzi	Levin	Wicker
Feingold	Lieberman	Wyden
Feinstein	Lincoln	

NAYS—46

Akaka	DeMint	Murray
Barrasso	Dodd	Reed
Baucus	Ensign	Risch
Bennett	Grassley	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Sanders
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Burris	Inouye	Snowe
Byrd	Kirk	Specter
Cantwell	Kyl	Stabenow
Cardin	Lautenberg	Thune
Casey	McCain	Udall (NM)
Coburn	McConnell	Whitehouse
Cochran	Merkley	
Crapo	Mikulski	

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask Senator LEMIEUX be recognized to speak for 10 minutes, and immediately following his remarks the Senate stand in recess.

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

The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I rise again to talk about the unsustainable spending of this country and the debt that we cannot afford. Just a moment ago a proposal by Senator CONRAD and Senator GREGG to put together a commission to tackle the spending of this country was defeated in this Chamber. I supported the proposal. It was not a perfect proposal. It was a proposal that some Republicans did not like because of the opportunity it might promote to have a tax increase. It was a proposal some Democrats did not like because they thought the spending might be

too tough on entitlement programs such as Social Security and Medicare. But it was a proposal that both Democrats and Republicans, I hoped, would like enough to move forward.

The spending problem we have is like a cancer. This Chamber refuses to seek any treatment. While I did not like the proposal completely, I at least supported it because I knew we needed to do something. Our spending is out of control. We have a \$12 trillion debt. The deficit of last year was \$1.4 trillion, more than the past 4 years in the Bush administration combined.

I am new to this Chamber so the bizarre still seems bizarre to me; and perhaps the longer you are here, bizarre starts to seem normal. But we cannot spend more than we take in. We cannot continue to amass debt for which our children will have to pay. Right now we have to borrow money from countries such as China because we can no longer raid Social Security and Medicare because those programs now need those dollars to be paid out.

At some point this country is going to have to pay the piper. At some point we are going to have to dramatically cut spending or dramatically increase taxes. At some point investors from around the world will not invest in this country anymore because we will not be a good investment. That is already starting to happen. We are already seeing folks from around the world investing in countries such as Brazil because they see it as a superior opportunity to this country.

At some point we will not be a first-rate economic power unless the people in this Chamber and the Chamber down the hall have the courage to do something about it.

What we should be doing is balancing the budget. We should be proposing a balanced budget amendment and a line-item veto for the President. I put forward this measure. The majority of the States do it, the majority of the Governors have that line-item veto, but it is tilting at windmills. I know it is unrealistic because this Chamber will not even do what Senator CONRAD and Senator GREGG tried to do just a few moments ago. I will continue to stand up and speak on this because if we do not sound the alarm, the future of this country is in peril.

Now we are about to embark upon raising the debt limit.

This time, \$1.9 trillion. I have talked about this before, and for those who have heard it, it is going to seem like old news. But I feel as if I have to continue to stress how much money this is. If you take \$1 million and lay it edge to edge, it will cover two football fields; \$1 billion will cover the city of Key West, FL, 3.4 square miles; and \$1 trillion will cover the State of Rhode Island twice. If you stack \$1 trillion from the ground up to the sky, it would go more than 600 miles. This is an enormous amount of money. We throw these amounts around, trillions and billions. It is hard to grasp how much

it is. Now our interest payment has become one of the largest payments we make every year, nearly \$200 billion alone on interest. We cannot put band-aids over this. We cannot say we are going to freeze spending; we have to cut spending.

In the State of the Union Address on Wednesday, apparently the President of the United States is going to offer the idea that we are going to cut spending in some discretionary spending items, about 17 percent of the budget. Leader BOEHNER over in the House said it is like going to a pie-eating contest and deciding you are going to go on a diet. It is like that family sitting around the table and trying to decide how they are going to cut their spending. Instead of making meaningful cuts, it is like saying: OK, we will cut our spending on beer and pizza. It is not enough. It is not enough. We are spending much more than we can afford to. And my three kids—soon to be four—are not going to want to live in this country because they are not going to have the same opportunities as they could in other places in the world. Shame on us if we fail our children in that way.

So I stand with my colleagues—Senator COBURN, Senator MCCAIN, and Senator ENZI—in support of amendment No. 3303, which is an alternative to increasing the debt ceiling. Instead of increasing the debt ceiling and borrowing more money when we cannot afford to, we are going to cut spending by \$120 billion, which is a good start. How do we do it? We go across all of the agencies and say they have to cut 5 percent. Right now, American families are cutting more than 5 percent from their household budgets. Small businesses in places such as Florida and around the country have to cut more than 5 percent. These are difficult times. When is the last time a government agency cut anything? I bet you could cut 20 or 30 percent out of these agencies and not have a meaningful impact on the services they render. And this asks for 5 percent, a 5-percent cut across the board.

It also directs that agencies consolidate more than 640 duplicative programs that have been found. We know there are more than that. That is just the 640 that have been found. This requires the Government Accountability Office to identify other duplicative programs that can be cut and rescinds unobligated funds—the money sitting out there in the budget for these agencies that they have not spent. Let's take that money back and put that against the deficit. We are borrowing money now. We should not have money sitting around when we are borrowing money and paying interest on it.

So it is a good proposal, and I hope it passes. But the truth is, it probably will not because there are folks in this Chamber, Democrats and Republicans alike, who will not stand up and face the hard truth that we have to cut spending. If we do not make the hard

choices and stand up as leaders in this country, our future is in peril. When we look back 10, 20 years from now and it is too far gone, the only folks whom we are going to have to blame are ourselves. This is not a Democratic problem, not a Republican program, it is a problem of this Congress.

Go back to March 2006. The President of the United States, then a Senator, said:

The fact that we are here today to debate raising America's debt limit is a sign of leadership failure, is a sign that the U.S. Government cannot pay its own bills.

Do not take it from me, take it from the President of the United States. We have to do more. I am disappointed that Gregg-Conrad failed. It was not perfect, but it was something. I hope Senator COBURN's measure prevails, but I am skeptical.

The American people get it. The American people understand this is a problem, and that is why we have these big swings in these elections. The same passion that propelled President Obama into office is the same passion that propelled our new Senator from Massachusetts into office, from two opposite parties, because the American people are frustrated that this body does not work. And if we do not change the rules and start to get serious and if we keep muddling along the path of disaster, we are going to fail our country.

We may not get it done while I am here in the Senate. I only have this year. But I am going to keep coming to the floor and I am going to keep speaking out about it because somebody has to sound the alarm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to address the Senate for 10 minutes.

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

THE ECONOMY

Mr. BROWN. Tomorrow night, the President of the United States will come down the hall and speak in the House of Representatives, addressing a joint session of Congress, for the State of the Union, the address Presidents have been giving for decades in this country. He will speak directly to the American people, to people in this country who work so hard, play by the rules, but simply can't get ahead. They feel they can't get ahead, and in so many cases they can't get ahead no matter how hard they work. He will speak to Ohioans who understand that it takes more than 1 year to turn around 8 years of failed economic policy.

I listened with some amusement to some of the other speakers before me and am a bit incredulous about the hypocrisy, not of the Senator from Florida, who was not here during the first part of this last decade, but when, with such enthusiasm, so many of my colleagues here voted for a war that prob-

ably will cost \$1 trillion before it is over but did not want to pay for it so didn't find a way to cut spending or raise taxes to pay for it, voted for a giveaway to the drug companies, the insurance companies, all in the name of privatizing Medicare—hundreds of billions of dollars that we are paying for, that our children and grandchildren are paying for. Again, though, they did not cut spending or raise taxes; they added it to the bill, to the debt for our children and grandchildren. And in 2001, 2003, 2005, they voted for tax cuts for the wealthy, who pay much less in taxes than they have historically in this country—again, no spending cuts, no comparable tax increases to make up for that. No wonder we went from a budget surplus a decade ago, when President Clinton took office, to huge budget deficits today.

President Obama made a decision, as he had to in January—a year ago, we lost 700,000 jobs, the month Barack Obama became President. And you have to spend. You have to spend to stimulate the economy. All reputable economists—literally, all reputable economists say that if we had not given the tax cuts, done the help for the States that kept the States from laying off literally hundreds of thousands of police officers, firefighters, mental health counselors, librarians, teachers, people who serve us as a country, they would have lost their jobs. It would have been much worse. And the stimulus spending that is going to help companies such as BASF in Elyria, OH, where the President visited last Friday, that helped create jobs with new lithium battery technology.

The President, as I said, was in my home county, in Elyria, OH, Lorain County Community College, this past Friday. This was the first Presidential visit since 1948 when Harry Truman came to Lorain County, OH, and spoke about how Congress was not doing any of the things that mattered to fight the problems of that day. And the President was not partisan, but the President made it clear that Republicans' reluctance to help get this economy back on track, help with job creation, is really what set us back. That is why the President was in Lorain County to talk about job creation, talk about helping small businesses, talk about helping with exports, talk about helping unfreeze credit because so many companies cannot get credit.

The President also, though, has thrown his support behind what many of us in Ohio are seeing as our State becoming the Silicone Valley of alternative energy. Toledo, OH, has more solar energy manufacturing jobs than any city in America. I was in Cincinnati this week—just yesterday, in fact—and in Cincinnati there is a steel company that was making steel drums for oil fields, and it is now making steel components for wind turbines. I could take you around my State and show you what they are doing in Cleveland, in Mansfield, in Youngstown, and

in Akron and Dayton and Columbus, all kinds of job creation with alternative energy.

But we need a better national economy. That is why yesterday in Cincinnati the President and Chairman of the Export-Import Bank, Fred Hochberg, came to that city at my request and did a roundtable with community bankers on how we can help them help their customers to export more and met with a group of entrepreneurs, a group of businesspeople in Cincinnati who were there in order to learn how to get help so they can export.

The big companies, such as Procter & Gamble and GE, both major, important citizens in Cincinnati, don't need all that much help to figure out how they are going to export products, but smaller companies of 5, 10, 50, 100, and 200 employees need some assistance. When they try to export, when they are working in another country trying to find customers and trying to export their products, sell their products, so often other companies with which they are competing usually have their government standing right side by side with them in partnership.

That is what we need to do for our small businesses, especially our small manufacturers that are trying to sell more products abroad, creating jobs in this country. We know that for \$1 billion we export, it creates—whether it is in Albuquerque or whether it is in Ashland, OH, whether it is in Santa Fe or whether it is in Sidney, OH, we know that \$1 billion in exports creates about 15,000 jobs.

Right now, we have a huge trade deficit, hundreds of billions of dollars in trade deficit. We know that costs us jobs. That is why what happened in Cincinnati yesterday is so important, so the Export-Import Bank can help these smaller companies that want to export, help them find financing, help them figure out how you license products if you want to sell them in Hungary or you want to sell them in Bangladesh or Nigeria or France, help them figure out how to get through the rules and deal with language barriers and deal with all kinds of problems that larger companies have a staff to do. Smaller companies need some assistance, need a partnership with their government. That is what that meeting was all about yesterday. That is what the President understands.

We need to help small business, we need to unfreeze credit, we need to do direct spending for infrastructure to prepare for the future, and we need to export more. Those are some of the keys to job creation. The President, when he speaks down the hall in the joint session of Congress tomorrow night for the State of the Union, will address a lot of those issues. It is time that the obstruction in this Chamber stops, and we can move forward and begin to do those kind of things we need to do.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

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

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 2952 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. 3308 TO AMENDMENT NO. 3299 (Purpose: To reduce the deficit by establishing 5-year discretionary spending caps)

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. SESSIONS. The amendment is proposed by myself and Senators MCCASKILL and KYL.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mrs. MCCASKILL, and Mr. KYL, proposes an amendment numbered 3308 to amendment No. 3299.

Mr. SESSIONS. 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 printed in today's RECORD under "Text of Amendments.")

Mr. SESSIONS. Mr. President, our fathers and forefathers made heroic sacrifices so that we one day might enjoy the blessings of liberty and prosperity. Indeed, we have had prosperity through much of our country's history. Their courage during World War II changed the world, making possible the greatest run of economic growth in history. The character and courage they displayed remains an inspiration to us. And there are important lessons to be learned from the way this "greatest generation" faced adversity.

We have recently been put to the test ourselves. We were—and in many ways continue to be—faced with a national crisis in the form of a historic and se-

vere recession. So what did we do? We could have learned from President Reagan and Paul Volcker, a Democrat who was then Federal Reserve Chairman and is now working with President Obama. They took the political heat in the short run so the free market could correct itself and emerge stronger on the other side.

Instead, I think we flinched. We tried to limit the immediate pain by mortgaging our children's future. We borrowed hundreds of billions of dollars to finance our standard of living today. We took money from the future so we can spend it today. We tried desperately to mitigate the downturn of a huge economy, even when we know economies are cyclical and do have booms and busts.

Every penny we spent on the stimulus package—\$800 billion—and other special spending was borrowed and must be paid back. In truth though, there is no plan to pay the debt back—only to pay the soaring interest for as far in the future as we can see. So this is not an academic problem, nor is it just a question of public financing and governmental roles.

As former Federal Reserve Chairman Alan Greenspan said about our debt in December—and I think it is a stunning statement—

The challenge to contain this threat is more urgent than at any time in our history. Our Nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

The policies adopted by Congress and the President have set the Nation now on a dangerous course of spending and borrowing. The budget crisis we face is so severe, the mountain of debt so high, that it threatens to undermine the foundation, as Mr. Greenspan said, of our economic strength and our prosperity. This is reality.

For the first time in our Nation's history, our generation stands to bequeath to our children a nation that is less economically sound, less fundamentally strong, and less secure than that which we inherited. And it is not necessary. We can do better if we act today.

It would be an unthinkable tragedy and really a moral failure for us to pass on a less strong country. We have responsibilities not just to our own people today but to those who will follow us in the years to come, and we would have no one else to blame but ourselves.

The numbers tell a grim story. In fiscal year 2009, our government spent \$1.4 trillion more than it took in through revenues. That is the largest deficit in our Nation's history, dwarfing those of previous years. Scaled to the budget of a typical family, the government operated like a household making \$50,000 but spending \$83,000. That is how much more spending we carried out than we had revenues.

Common sense tells us this is unsustainable, and almost every expert you ask would use that very word:

“unsustainable.” Yet we expect to run deficits over the next decade that average nearly \$1 trillion annually—averaging that and not going down. According to the Congressional Budget Office, in the 8th, 9th, and 10th year, the deficit continues to increase.

By 2019, we will owe our creditors, including nations such as China and Japan, more than \$15 trillion—three times the total debt of America that existed last year. In 2019, the interest payments we will make on the debt we owe outside the government—the public debt to foreign countries and individuals—will be \$799 billion, almost \$800 billion in one year. That will be up from \$202 billion in interest payments last year. \$800 billion is about \$200 billion more than we spend on defense, and 20 times more than we spend on roads or education. We currently spend about \$40 billion a year on roads, and this interest on the debt will cost us \$800 billion a year in 10 years—a basis of a tripling of our debt.

That growing interest payment will crowd out our ability to fund other important government services, and it will crowd out private borrowers who will need to borrow to create jobs.

Given that we have embarked on such a spending spree, is it any surprise that the first item on the Senate agenda this year is the necessary bill, they say, to raise the debt limit to allow us to borrow more money? We have hit the limit. The government has a limit on the amount of debt it can hold by statute, such as a maximum amount on a credit card. America's credit card has a \$12.4 trillion limit on internal and external debt and, incredibly we have maxed it out again. It should be a dramatic thing to boost that debt limit, but, interestingly, it has become routine.

This will be the seventh time we have done so in 5 years, and it is troubling Americans. The public is rightly angry with Washington's cavalier attitude toward spending. They know “buy now; pay later” catches up with you eventually. They know nothing comes from nothing. The American people know that what Stanford University economist Michael Boskin wrote in the *Wall Street Journal* is true. He said:

The explosion of spending, deficits, and debt foreshadows even higher prospective taxes on work, savings, investment and employment. That not only will damage our economic future but is harming jobs and growth now.

The American people know that taxes are going to go up, a fact confirmed by David Walker, former Comptroller General and GAO head. He testified recently that taxes would need to double by 2040 to keep up with our current commitments.

The American people have made it clear they reject the philosophy of ever increasing debt. They reject taking on such a burden. Why? Because they know it threatens the strength of the American economy. They know it is a cloud over our efforts to rebound eco-

nomically, and they want us to stop. They want us to stop.

To my colleagues, I ask: How much clearer does that message have to be? I do not think anyone doubts it. The good news is, many Senators are worried on both sides of the aisle. They are concerned about what we are doing, and they know we need to do better, and they are listening to their constituents. They will have an opportunity this week to do that by supporting this bipartisan legislation I have offered.

I see my colleague Senator CLAIRE MCCASKILL from Missouri in the Chamber, who is a cosponsor of this legislation that will limit the growth of spending. So it is a simple amendment. There are no strings attached. It as a rare opportunity to impose budget discipline on a Congress that is notorious for not having any.

That is what makes people angry. Politicians talk a good game but nothing seems to change. But when it comes down to it, the politicians always seem to find a way to spend more, and the taxpayers end up holding the bill. So this amendment would help change that. It would impose, first, binding limits on the 40 percent of Federal spending we control each year, discretionary spending. The amendment would put into law the spending levels approved in the fiscal year 2010 congressional budget, which a majority of the Senate supported. It is basically the Democratic Congress's budget. It had certain limits over 5 years.

What we are saying is if you exceed those limits, then you would be violating this amendment, which seeks to control and avoid that. Those spending levels include only our budget increases that are averaging about 2 percent a year annually over 5 years. Contrast that with the 12-percent increases we saw last year in nondefense discretionary appropriations, and the 10 percent the year before.

Factoring in the stimulus, government spending on nondefense accounts actually soared by 57 percent, while State and local governments were tightening their belts, some cutting expenses.

Each year we increase spending it gets built into the baseline of our budget for the next year, and when we have an increase in the next year, it is an increase on a higher baseline, and it goes up exponentially.

For example, last year, on one bill, the defense bill, there was tacked on an \$18 billion expenditure for various projects that were not paid for within the budget. It was added, paid for with debt—money we had to borrow. If we do that each year, if we add another \$18 billion through that kind of budget-busting activity, it would cost the taxpayers an extra \$1 trillion over a decade. It is hard to believe, but that is true. Mr. President, \$18 billion one year goes into the baseline; the next year you add another \$18 billion, and it is not \$18 billion, it is \$36 billion more

than you would have spent had the first one not been spent.

I am convinced we can do better. This amendment is an important step.

Second, the amendment would require 67 votes—two-thirds of the Senate—to waive the binding caps. In other words, if we set these caps, we can waive them if there is an emergency. But it takes two-thirds to do so. Two-thirds of the Senate is a strong threshold that will keep these caps in place except in times of true emergency.

Finally, this amendment complements efforts to rein in mandatory spending programs that are expected to be insolvent in coming years. Social Security runs a surplus now. Medicare did so until the last few years. Those surpluses are being spent in our discretionary accounts. So these programs have little to do with our record deficits. It is discretionary spending, up until recently, that has driven the entirety of our debt.

Deficits for the most part come from discretionary spending, and this statutory caps idea I have proposed is tested and proven. The Budget Enforcement Act of 1990 included similar provisions that kept the growth of Federal spending low for 12 years. Its provisions were extended in 1997 because people found they were working. Congress felt they were working.

All in all, these budget rules helped to achieve four balanced budgets for 4 consecutive years, from 1998 to 2001. The key component of that, I truly believe, was these statutory caps on spending that were passed during that period.

Many currently serving Senators were in this Chamber in the 1990s and recognized the necessity. In 1997, 28 currently serving Democrats, for example, voted for these provisions, including many of the Democratic leaders in the Senate today. I submit that those budget rules are even more needed today.

As Mr. Greenspan said, we have never faced such a fiscal crisis looming just over the horizon.

I am pleased a number of organizations known for their knowledge and concern about deficits have recognized the merit of this proposal, including the National Taxpayers Union, Committee for a Responsible Federal Budget, the Heritage Foundation, and the Concord Coalition.

Budget experts Douglas Holtz-Eakin, who served under a Republican administration; Alice Rivlin, who served under the Clinton administration at CBO; and Alan Viard also back the plan. President Obama, we learned today is now talking about a 3-year freeze on some discretionary spending. This legislation would only help him achieve that goal because he can make a speech and he can propose it to Congress, but it doesn't necessarily become law. If he supports this and works to support the statement that we understand he will make in the State of the

Union Address, this legislation would be a firewall to make sure his promise isn't broken.

I say this to my colleagues: We have a budget crisis. It is a calamity so profound that it threatens our economic security. Americans across the country—in red States and blue States—get it. They are deeply concerned about the direction in which we are headed. They know the crushing debt we are incurring will weaken our country, and it will restrict the opportunities our children will have. They are making their voices heard.

A vote against this amendment would be a suggestion that a Senator is not serious about maintaining our budget caps but is looking for ways to bust the budget, get around the budget, and spend more.

I urge my colleagues to support the legislation as a strong act of fiscal responsibility that will have a good impact. In fact, I am confident it would send a message to the financial community that we are beginning to get our house in order.

While I would like to go further and be more frugal in some of our behavior around here—and I do believe we are going to have to go further than this—this amendment will ensure that the limits on spending made last year in the budget passed by this Congress will not be exceeded. It will be a firewall that will save us from our excesses. It will begin to restore financial responsibility to our Nation, a commodity of which we are in desperately short supply.

I see Senator McCASKILL. She has cast a number of tough votes to question reckless spending since I have observed her in the Senate. I appreciate her leadership and courage in speaking out on this issue. If we do this, it will not solve all our problems, but I think it will make a positive difference for us. It will allow increases as the budget allows for some increases before the firewall kicks in. But it also would make it very difficult to break the budget in any significant way, unless we face a true emergency.

I yield the floor and I thank my colleague for her leadership on this legislation.

THE PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. McCASKILL. Mr. President, I acknowledge my colleague, Senator SESSIONS from Alabama, and welcome the opportunity to join him in an attempt to restore some sanity in Congress about spending.

I come from a State where there is a requirement of a balanced budget, although, over the last couple years, I am not sure how they would have done that without incredible pain if it hadn't been for the help the Federal Government sent them. There is no question that the fact that we don't have to balance the budget in Washington has led to some very bad habits.

I was thinking about spending over the weekend, as this week there are a

number of provisions we will debate that I have sponsored or am a big supporter of, including the fiscal task force amendment which went down this morning by a narrow vote, and obviously pay-go, which I have been the lead Senate sponsor on over the last several months. These are all things with which we are trying to fight something that you encounter all the time as a parent. How much easier it is to say yes than no. My kids hate when I give them that lecture because they are always wanting me to say yes. I always say the easiest thing to do is to say yes—yes, you can have that outfit; yes, you can take my car; yes, you can go see your friends, even though I am not sure you finished whatever chores you had around the house. It is always easier to say I will go along with it, it is a good cause.

That is what happens around here. It is not like we are spending on evil stuff. We are spending on stuff we believe in—education, highways, our parks, our military—and we are spending on things that make it even harder to say no.

The time has come that we all have to feel the pain of saying no. We all have to be willing to suffer the political consequences of saying no. That is why this amendment is such an important step in the right direction.

I want to be honest about this because we have a tendency to make things bigger than they are. This isn't going to make a dramatic change in the deficit or the debt. I am not sure how many Americans have focused on the difference between the two, but they are two different things, and it will not make a huge difference. People need to remember that if we took out all discretionary spending and decided we were not going to spend another dime on education, highways or any of the things we decide on spending every year, we will still have a massive deficit problem. We don't fix the deficit by passing this amendment. We don't fix the deficit by saying we are not going to even do discretionary domestic spending anymore. So this is not a fix-all. Do you know what it does? It begins to get us well. It is a little like earmarking. Is earmarking the huge problem? No. But it is similar to a fever; it is a symptom of a disease. This will help us get well.

It will be a step toward recovery if we can pass this amendment to freeze our discretionary spending. I am so pleased the White House has called for a freeze. I think this is a wonderful bipartisan moment. I think we are all hankering for a good bipartisan moment right now. I hope we are all hankering for a good bipartisan moment. I got worried this morning on the vote on the fiscal task force because it seemed like there might have been some political games being played. I don't know about anybody else, but I am hankering for a good bipartisan moment. This ought to be one, where Republicans and Democrats set aside

who looks good and who looks bad, who gets credit and who gets the blame, and do something we need to do.

We used to have a freeze and we used to have pay-go. They were both allowed to expire in 2002. I wasn't here. I am not sure why they were allowed to expire. Did Congress all of a sudden think we don't need pay-go anymore or we don't need limits on discretionary spending anymore because we are out of the woods when it comes to the deficit or debt? I am not sure why that happened. I know most of the folks who let those things expire wish they could take it back. I bet most of the folks who did voting for major entitlement programs without paying for them during that time—I bet they wish they could take it back because now we are in a real mess.

The first and most important step to get out of this mess is to vote to control our spending. I am hopeful this will be passed by a wide margin. Some of my friends on the left have said the last thing in the world we should do now is limit spending, that government is the answer in this difficult recession. I voted for the stimulus, and I think the tax cuts in the stimulus, which don't get talked about enough, and the help to the States, which doesn't get talked about enough, and the jobs that will be created this year are very important to the progress we have made in terms of climbing out of the economic hole we found ourselves in a year ago.

But we will not get out of this recession on the back of government spending. If we decide it is just about government spending during this recession, we are dealing a very bad hand to our grandchildren.

I hope this amendment passes. I hope it is not even controversial. I am so pleased the President is on board, and I am pleased that so many members of the Republican party are on board. Let's take this important step, and then let's live up to it during the appropriations process. Let's realize that pet project at home that we know we can get because we can get an earmark—maybe this is the year to say no and push back from the table and say all those pet projects, those earmarks, are not the right signal we need to send to the American people this year.

I thank my colleague from Alabama and Senator KYL, who were cosponsors on this. I look forward to wide bipartisan support. I look forward to enthusiastic applause tomorrow night in the President's State of the Union Address, when he lays out his freeze on spending. We are all on board now. Let's make it happen.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator JUDD GREGG, former chairman of the Budget Committee and ranking member, be added as a cosponsor to this legislation.

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

Mr. SESSIONS. I thank my colleague for her fine remarks.

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. COBURN. 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. 3303 TO AMENDMENT NO. 3299

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amended be set aside and I send up amendment No. 3303.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3303 to Amendment No. 3299.

Mr. COBURN. 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 printed in the RECORD of Monday, January 25, 2010, under "Text of Amendments.")

Mr. COBURN. Mr. President, I ask that the amendment be divided in the form which I now send to the desk.

I ask at this time that division I of the original amendment be made the pending amendment.

Mrs. MCCASKILL. Madam President, I suggest the absence of a quorum.

Mr. COBURN. I have the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Oklahoma still has the floor.

Mr. COBURN. Madam President, while the Parliamentarian is doing the work that is necessary at this time, I thought I would spend a few minutes talking about this amendment in the interest of saving some time.

We have a significant problem in front of us as a Nation. We have before us an underlying bill that raises the debt that nobody in this room, save the pages, will ever pay a penny toward reducing—nobody except the pages and their generation will pay a penny toward reducing.

This request for increasing the debt limit of \$1.9 trillion, I remind my colleagues, is \$200 billion more than the entire Federal Government spent in the year 1999, 10 years ago. So we, in one fell swoop, in 1 year, we are going to increase the debt by \$200 billion more than what the entire Federal Government spent 10 years ago.

The whole purpose behind this amendment is a wake-up call to say: Wait a minute, the Congress, in the last 2 years, under its leadership, has increased spending 11.4 percent in 2009 and 11.4 percent this year, not counting a stimulus bill and not counting omnibus bills that were not paid for because they were declared an emergency.

If we add all that up, excluding the stimulus bill, we had a 28-percent increase in the size of the Federal Government in the last 2 years—just in the last 2 years. At that rate, the size of the Federal Government doubles over a 5-year period.

What these amendments are designed to do is to get us doing what every American family is doing today; that is, starting to make some of the hard choices about where we have excess, where we have inefficiency, where we have duplication, and eliminate it because we should not ask the American people to take on more debt when we know we have at least \$387 billion worth of waste, fraud, and duplication every year in the Federal Government. Yet that is exactly what we are doing with the underlying bill. We are taking on more debt and not doing anything about the excessive spending or the waste, fraud, or duplication.

The whole purpose behind coming to the floor is to say: Can we not, in light of a 28-percent increase, cut 5 percent in terms of discretionary spending that we just jacked up five times that amount over the last 2 years? Can we not find 5 percent worth of waste? We have identified specifically 640 programs that are duplicative of one another in the Federal Government. We have identified waste. When we go to find out, when we ask the GAO or the Congressional Research Service to help us with this, do you know what they tell us? We cannot; it is too big. We cannot tell you where all the duplication is. That is our own research bodies saying they cannot tell us where it is too big.

This amendment puts a stop to that. It mandates that we in the future, every year, will get a report from the GAO on every program within the Federal Government that duplicates another program and what their recommendations are to streamline or change it.

The reason it is easy to borrow or easy to raise taxes is because we fail to do the hard work of eliminating the spending waste. We just had the Senator from Alabama wanting to put on some caps. That is not going to be adopted. We know it.

The reason I divided this amendment is because my colleagues will take one segment of it and say: Oh, I was for cutting 5 percent out of the Federal budget, but I just did not agree with this one segment, whether it be education or somewhere else, that we should not cut, and, therefore, I voted against the whole amendment.

This puts the American people in the driver's seat, as far as their Senators are concerned. We are going to get to see whether they agree that we ought to continue to waste money; that we ought to steal it from these pages and their generation and not do the hard work of making a choice and putting things in terms of priority like every American family is doing.

Every American family is doing that right now. They do not have an unlim-

ited credit card. They do not have the privilege of going to the bank when they are tapped out and say: Just give me more money, like we are getting ready to do on extending the debt limit.

The other thing that is in this is leading by example. The Senators increased their budget by 5.8 percent this year. We reverse that. Most of us can easily live within the budget we had last year—easily. So we reverse the increase for the Senate back down to what it was last year.

We should not ask the rest of this government to make a sacrifice that we are not willing to demonstrate by leading on the same issue.

This bill can be the first step in a reality check of getting the Congress back aligned with where the American people are, as far as spending.

Just a year ago, in January of 2009, the national debt was \$10.6 trillion. Today the national debt is \$12.2994 trillion. Forty-three cents of every dollar we spent last year we borrowed, and we are going to do exactly that or worse this next year unless we wake up, unless we come to our senses.

You can have all the arguments you want, but nobody in America believes the Federal Government is not wasteful. Nobody believes it is good enough to just freeze a small portion of discretionary spending. What Americans believe is we need to cut spending. We need to cut out the waste, cut out the duplication, and cut out the fraud. We need efficiency where we can generate efficiency. We need to eliminate duplication where there is duplication.

My friend, President Obama, when he was campaigning said: I promise to spend taxpayer money wisely and to eliminate wasteful redundancy. We are going to help him with that. That is what this amendment does. In 640 programs where there is duplication, we are going to allow an incentive for each department to get rid of it. We are not mandating they have to get rid of it. We are saying: You should do the review. You should take this money, and you should eliminate the duplications. What you need from us to do that, we will give you. But we are giving you the authority to do that with these amendments.

Let me quote from President Obama:

Too often Federal departments take on functions or services that are already being done or could be done elsewhere within the Federal Government more effectively. The result is unnecessary redundancy and the inability of the Federal Government to benefit from economies of scale and integrated streamlined operations.

He is right. So now we are going to give the Senators a chance to support his statement and his position.

Nothing has been done in the last year to accomplish that. As a matter of fact, the President sent program after program that he wanted to get rid of. He said they are not effective, they do not work, they are duplicative, and they are not efficient. What did we do?

We did not eliminate a one of them. We just kept funding them. So we cannot claim that the problems lie with the President. The problems do not lie with the President. The problems lie with the elected body of Congress in not making the hard, difficult choices of putting a priority on what is most important and taking the time to do the oversight and explain to the American people why we ought to have the programs consolidated. We may have a goal we want to accomplish and help the American people with, but we certainly ought to do it in the most efficient and effective manner we can.

The other reason to consider this amendment is to think about what is getting ready to happen to us. What is getting ready to happen to us over the next 10 years is we are going to accrue another \$9 trillion in debt if we do not start this process with this amendment today. We are going to accrue another \$9 trillion. Of that \$9 trillion, \$4.8 trillion of it is going to be interest. It is going to be interest costs on the debt. We are going to borrow money to pay the interest on the money that we borrow. It does not have to be that way.

My colleagues will come down and say: The big problem is the entitlement programs. There is no question that is two-thirds of our problem. But the easy thing to fix now and saves billions, if not trillions, of dollars on is the discretionary portion of the budget that we do have control over.

We always hear the excuse: That is not the big problem. The reason it is not the big problem is because politicians enamor themselves with people at home by spending money we do not have on things we do not need that are not truly a legitimate role of the Federal Government.

The family budget is getting smaller, and the Federal Government is getting bigger. That is just exactly the opposite of what ought to be happening in this country today. Inflation is near zero, but yet we are increasing spending, like I said, 11.7 percent last year. That does not include the supplemental emergency spending and does not have any connection at all with the stimulus bill. That is what we did with the individual budgets across the Federal Government.

When I come down and make the case for cutting back 5 percent of that, which ends up being \$120 billion, nobody should be opining: My goodness, we are going to tear things up. But we are going to hear that. We are going to hear all the reasons we cannot do what I am proposing to do.

America is not going to buy that anymore. They are not buying it anymore, and they should not buy it.

The other thing this amendment will do is it will give us 30 days to come back and assess other areas where we can cut more spending. People in this body think that is hard. It is not hard. Let me give an example of where we can save \$80 billion a year in one program.

At a minimum, there is \$100 billion of fraud in Medicare a year. We do not have an effective strategy, like any other organization outside of government, to limit the defrauding that goes on in Medicare. We pay, and then we try to chase people we should not have paid.

Senator LEMIEUX from Florida and others have multiple ideas on how we could take that \$100 billion and over the next 6 months save \$30 billion or \$40 billion of that. That is \$30 billion or \$40 billion each year over the next 10 years. That comes out to \$½ trillion, which cuts down that \$9 trillion in additional debt we are going to be encumbering upon our children. Last year, this country's debt grew \$4.2 billion a day. We didn't do anything about that except spend more money, so this year it is going to accrue at \$4.3 billion a day. That is how much we are going to spend that we don't have.

Isn't it time that we start facing the situation as it is rather than the way we would like it to be? The cold hard facts are that we have a short time-frame—4 to 5 years at most—to get our house back in order. Now is the time to start. It is not next year, it is not next month; it is right now—right now, when the American people may or may not be focused on the fact that we are going to authorize an additional \$1.9 trillion worth of borrowing. You can't even write that many zeros down and have a comprehension of how much it is. At the same time, we don't do anything about solving the problem.

Quite frankly, Congress has a dependency issue. We are addicted. We are addicted to spending. We are addicted to the age-old adage that if I spend enough money, I can go home and tell people how great I am, not ever telling them I am spending their money and their kids' money but claiming I am looking out for them.

The only way you really look out for America is to secure America into the future, and we have not been doing that. It hasn't been done under the Republican watch, hasn't been done under the Democratic watch. What has happened is the same old same old of continuing to ignore the problem and not taking the heat for making the tough choices that will put our country back on the track on which it belongs—a track that will secure a future for our children and grandchildren, that will embrace the heritage that made this country great. What was that heritage? That heritage was sacrifice. In this country, all of us—many—are sacrificing now, and many in the future are going to have to sacrifice.

Others will come down to the floor and they will say: Well, COBURN, all you want to do is cut spending; you don't really want to solve the problem. Well, the first part of solving the problem is cutting the spending and recognizing that the walls don't fall down if you cut 5 percent out of the discretionary spending in our budget. As a matter of fact, very few people will

ever notice \$120 billion coming out of the Federal Government on these discretionary programs because they will just go to a different grant program that does the same thing and get it there.

Let me go into some of the facts because many of us don't understand. Here are some examples:

There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase opportunity for students to study abroad. There is nothing wrong inherently with wanting our students to study abroad, to gain that perspective and to gain that education, but why 14 different programs? Why not one? Why not 1 program and save all the administrative costs of the other 13? Why not do that? Because somebody may not have their name on a program? The fact is, nobody knew that until we discovered it in the last 4 weeks.

There are more than 44 job-training programs administered by 9 different Federal agencies across the bureaucracy, costing \$30 billion a year. Forty-four Federal job-training programs? Tell me why we need 44. Maybe 4 to hit different areas in different situations but not 44 and not through 9 different Federal agencies that are all trying to do the same thing and competing to throw out money.

What about 69 early education programs administered by 9 different Federal agencies. Sixty-nine, why would we tolerate that? Why would we continue with the status quo? Now is the time to make changes.

One of my favorites is that we have 105 Federal programs supporting science, technology, engineering, and math—105 different programs where we support that—funding over \$3 billion a year. I agree we ought to encourage it, we ought to stimulate it, we ought to support it because we know we have to be competitive in the future, but do we really need 105 different Federal Government programs? The answer is, absolutely not. We don't. But because we don't know what is there, we continue to do the same.

As a matter of fact, there is going to be a Judiciary markup on Thursday that has a new program in it—supposedly new—and the authors of the bill have no idea that we already have a Federal program that does the same thing. That is why the important key component of this global amendment is to make sure the GAO tells us what is out there, what we need to do, and how we need to go about it. We may need some redundancy, but we don't need 105 times redundancy, we don't need 30 times redundancy, we don't need 44 times redundancy, and we don't need 69 times redundancy. As a matter of fact, when we have all these programs, the States have to hire all these different people to understand all the different programs so they can make sure they get their fair share. We could actually save the States a ton of money if they

only had one-stop shopping—if, in fact, it is a truly legitimate government function.

The amendment also rescinds unobligated discretionary funds that have been available for more than 2 consecutive fiscal years. So it doesn't hurt the agencies if the money has been there and they haven't spent it. As a matter of fact, we are giving them so much money, they can't spend it all. We have seen unobligated balances go up because they can't get it out the door. And when we are pushing them to get it out the door, guess what happens to efficiency and accuracy and effectiveness of those programs. It goes way down.

According to the Office of Management and Budget, at year end 2009, that is, September 30, there was \$657 billion sitting in unobligated funds. Some of that is military, some of that is war funds, some of that is VA. We exempt war funds and we exempt VA. We exempt DOD, but we shouldn't because there is \$50 billion a year in waste in the Pentagon that can easily be demonstrated.

So we direct the GAO to identify those duplicative programs and report to Congress on the findings.

Madam President, may I make an inquiry of the Chair? Has the status of our division been decided?

The PRESIDING OFFICER. The Senator's amendment is not divisible as a matter of right because the Senate has entered into a unanimous consent agreement limiting the universe of amendments on this measure.

Mr. COBURN. Madam President, 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. BAUCUS. 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. BAUCUS. Madam President, the Senators from Alabama and Oklahoma have offered that amendment to the debt limit resolution. As these amendments address matters primarily for the jurisdiction of the Appropriations Committee, I will defer to the chairman of the Appropriations Committee to address those amendments momentarily.

NOMINATION OF BEN BERNANKE

Madam President, in the meantime, on another matter, I wish to say I strongly support the nomination of Chairman Ben Bernanke to his second term as Chairman of the Federal Reserve.

Last August, President Obama announced his intention to renominate Chairman Bernanke for a second term. There is little debate that our financial system has been through one of the most tumultuous times since the Great Depression. I strongly support President Obama's decision to renominate Ben Bernanke and believe he has the

expertise to continue to lead this country out of one of the worst economic downturns in history.

Chairman Bernanke graduated summa cum laude from Harvard University, earning a bachelor's degree in economics. He continued his studies at the Massachusetts Institute of Technology, where he received a Ph.D. in economics. He then had the good sense to head to Stanford, my alma mater, where he taught economics for several years at the Graduate School of Business. After heading back to Princeton University, he quickly rose through the academic ranks to become chairman of the Princeton Economics Department. His groundbreaking economic work on the Great Depression helped increase our understanding of that calamity and prepared him well to tackle our recent disaster. He has a strong record of public service, including work as a visiting scholar at several Federal Reserve banks.

In 2002, President George W. Bush appointed him to serve on the Board of Governors of the Federal Reserve System. In 2005, President Bush appointed him Chairman of the President's Council of Economic Advisers. In 2006, President Bush appointed him Chairman of the Federal Reserve. The Senate confirmed his nomination by voice vote. After his appointment to three posts by President Bush, Ben Bernanke was renominated as Federal Reserve Chairman in 2009 by President Obama.

At this point, I might point out that if any Senator had any problems with the reappointment of Chairman Bernanke, they certainly knew when his term expired and they should have conveyed those views to President Obama, and conveyed them strongly if that was their view, so that President Obama would have had an opportunity to appoint somebody else if that was his choice. It is my understanding that virtually no Senator complained to President Obama about the renomination of Chairman Bernanke before the nomination was sent to the Senate.

In his nearly 4 years as Federal Reserve Chairman, Ben Bernanke has demonstrated he is worthy of another term. Facing the worst financial calamity in nearly 70 years and relying on his keen insight into the origins of financial panics, he successfully worked with the previous and current administrations to ensure that the economy of the United States and the world survived the crisis of 2008.

Again, his dissertation was on the Great Depression. This is a man who understands the Great Depression and probably had some pretty good ideas of how to prevent that from occurring. Averting disaster is not something that usually earns you accolades or parades. "It could have been worse" is not your typical commendation. But there is no doubt that without Chairman Bernanke's leadership, our economy would have been much worse off.

Time will tell how the history of this crisis is written, but economists and

experts believed then and still today that the Federal Government could not stand by and let the financial system collapse. Liquidity in the markets evaporated. Small businesses could not obtain the day-to-day cash to buy inventory or make payroll. Foreclosures increased from hundreds to hundreds of thousands. Americans across the country witnessed their retirement savings dwindling before their eyes. Confidence in the system as a whole vanished.

Beginning in 2008, Chairman Bernanke began to take a series of steps to walk us back from the brink of disaster. The Federal Reserve cut interest rates early and aggressively in an attempt to inject liquidity into the markets. I might point out that there were some who counseled the opposite action; that is, those most concerned about inflation. Perhaps Bernanke went too far in trying to inject liquidity back into the markets, but that is what he believed was necessary in order to get the economy back on track. The Fed established lending facilities to provide much needed funding. Last year, the Fed, in conjunction with the Department of Treasury, established the Term Asset-Backed Securities Loan Facility, TALF, to finance more than 4 million consumer and small business loans. That is sometimes forgotten, but that is something he did. At a time when conditions were changing daily and sometimes hourly, Chairman Bernanke did not hesitate to take bold and necessary steps to avoid total collapse of our economy.

Madam President, 20/20 hindsight will always reveal things we would have done differently. With such aggressive and unprecedented action comes criticism and judgment.

Without a doubt, the Federal Reserve System deserves a share of the blame for fostering the conditions that led us to the precipice, but as this crisis was systemic, so, too, were its flaws.

On that point, I might say there are a lot of agencies that probably should be blamed or held accountable for some of the missteps or failure to foresee the crisis occurring. One that comes to my mind is the Securities and Exchange Commission. The Securities and Exchange Commission either did not have jurisdiction or didn't ask for jurisdiction or did not exercise jurisdiction over a lot of the nonbanks that were creating a lot of these fancy derivatives and other instruments. I can name many of them. I think we all know who they are. It was a lack of effort by the SEC. I think the SEC was derelict in not being much more aggressive at that time.

There are a lot of areas where fingers can be pointed. One can be the Congress. Where were the oversight committees at that time? What were the questions they were asking? What were they doing?

I think, frankly, that mistakes were made, many of them, beginning with the subprime mortgage crisis and working all the way up to mortgage

brokers packaging and reselling loans and securitizing those loans and then all the other instruments that were developed at the time, and very high leverage. That was a big mistake made before Ben Bernanke was head of the Fed.

It is more apparent than ever that we must pass strong and comprehensive regulatory reform, to crack down on risky financial derivatives, properly regulate the shadow banking system, and ensure consumers are adequately protected. In his confirmation hearing, Chairman Bernanke stated that such a crisis "must prompt financial institutions and regulators alike to undertake unsparing self-assessments of their past performance."

Chairman Bernanke is doing just that. The Federal Reserve has already undergone significant regulatory changes, and he is committed to working with me and my colleagues in Congress to put in place proper oversight and transparency to see that we are never again faced with the peril we have witnessed over the past 2 years.

But as Emerson once said, "[b]lame is safer than praise." I commend Chairman Bernanke and his team at the Federal Reserve for acting in a time of such uncertainty. There is still much that must be done to get our economy back on track and Americans back to work. I believe that Chairman Bernanke and the Federal Reserve will continue efforts to create jobs and help middle class families. I urge my colleagues to join me in supporting Chairman Bernanke's nomination for his second term, as he works to restore confidence and prosperity in our economy.

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

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

AMENDMENT NO. 3303

Mr. MCCAIN. Mr. President, I rise to speak in support of the Coburn amendment to eliminate wasteful and duplicative spending. Before my colleague from Oklahoma leaves the floor, I know he has to go, but I have to pose a question for the Senator from Oklahoma. We have a listing in the Senator's amendment of the many duplicative programs.

Have we had a study that would indicate how many government employees are engaged in administering these duplicative programs?

Mr. COBURN. No. To answer the Senator's question, we do not even know how many duplicative programs there are out there. These are the 640 we found looking over a 4-week period.

But when we asked GAO or the Congressional Research Service about this,

what they say is the task is too big. They do not even know if they can accomplish the task, which goes to the enormity of the problem we face.

I mentioned on the Senate floor earlier, we have a markup tomorrow in the Judiciary Committee for a new program, and it is duplicative of an existing program. But those offering the amendment do not even know it. So it shows we have to stop and reassess. Part of this amendment is creating a mandate that the GAO has to advise us on that.

Mr. MCCAIN. I do believe that at least we ought to, over time, make an attempt to ascertain the numbers of employees who are in these duplicative government programs. It is really startling—if the American people knew of the fact that there are so many duplicative efforts and different agencies of the government trying to accomplish the same mission.

Before I go much further, I would like to mention, I have the information that tomorrow night the President will propose a spending freeze for discretionary spending with the exception of defense, veterans affairs, and homeland security. I applaud that move on the part of the President.

I think, from the conclusions I have reached so far, it would save some \$15 billion next year and perhaps \$200 billion over time. We are trying to ascertain exactly what that is.

But I do not see how the President, at the same time that he is recommending a spending freeze that would save some \$12 or \$15 or \$20 billion next year, at the same time to be proposing a stimulus package, another one, that could be \$80 or \$100 billion. That is not fiscal discipline.

The House, the other body, passed, before we went out of session, a jobs bill that was somewhere around \$100 billion, as I understand it. I understand the other side of the aisle is working on a package of about \$80 billion. Well, look, let's stop the spending now. Let's stop the spending now.

So if we want to be sincere about stopping the spending that is unnecessary and unneeded, then we certainly should discard the idea that we need another massive stimulus, particularly in light of the fact that by any estimation, including the prediction of the President's economic advisers that if we passed the last stimulus package, unemployment would be at 8 percent.

So this proposal about a spending freeze would have a lot more credibility with me if we said we are going to stop additional spending this year that would also add to the burgeoning national debt.

The Coburn amendment is an important one. The Coburn amendment is best appreciated by the fiscal situation in which we find ourselves. In a recent editorial in the *Houston Chronicle*, they noted:

Our spending excesses, as most every American knows, are increasingly financed by foreign sources led by China. In all, about

\$4.5 trillion in U.S. debt is held by foreigners and nearly \$800 billion of that is held by the Beijing government.

So we will increase the debt limit, and who is going to buy that debt? Apparently, the Chinese are buying a lot of it since they own, according to the *Houston Chronicle*, about \$800 billion, and foreign countries own about \$3.5 trillion.

On December 16, the *Wall Street Journal* wrote:

Our view is there is good and bad public borrowing. In the 1980s, Federal deficits financed a military build-up that ended the Cold War leading to an actual peace dividend in the 1990s of 3 percent of GDP, as well as tax cuts that ended the stagflation of the 1970s, and began 25 years of prosperity. Those were high-return investments. Today's debt is financing what exactly? The TARP money did undergird the financial system for a time, and is now being repaid. But most of the rest has been spent on a political wish list of public programs ranging from unemployment insurance to wind turbines to tax credits for golf carts. Borrowing for such low-return purposes makes America poor in the long run.

So if we are increasing the debt limit, and the Chinese and other countries are going to buy that debt, and we are spending money in the stimulus package that has shown very little return on the massive \$787 billion investment, then should we not try Dr. COBURN's method and support his amendment which would basically prevent us from having to increase the debt limit?

This amendment of Dr. COBURN's would rescind \$120 billion in spending, 5 percent from each agency of government, other than the Department of Defense and Veterans Affairs; directing the agencies to consolidate more than 650 duplicative government programs; rescind unobligated discretionary funds available for more than 2 consecutive fiscal years. Most Americans would be astonished to know that there are still tax dollars sitting out there which have been appropriated and not been spent for more than 2 years, sometimes several years.

Directing GAO to identify duplicative government programs and report the findings to Congress would render the debt limit increase in the underlying bill null and void. It is \$1.9 trillion.

Let's just look at a few of the duplicative Federal programs that are out there. A 2004 report by a nonprofit research group listed 21 Federal programs across multiple agencies, many at Health and Human Services that funded childhood obesity programs either as the main focus or as one component of the Federal program.

Child obesity is a serious issue in America. Do we need 21 separate programs to address the issue? Would not we be more efficient if we had a single program instead of spreading them out amongst different Federal agencies?

There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase the opportunities for

study abroad, 14 programs. According to a 2003 GAO report, the Federal Government funds more than 44 job training programs administered by nine different Federal agencies across the Federal bureaucracy at a cost of \$30 billion.

According to data from the Catalog of Federal Domestic Assistance, 14 departments within the Federal Government and 49 independent agencies operate exchanges and study abroad programs.

A 2009 GAO report found 69 early education programs administered by nine different agencies. There are over 30 Federal programs that provide financial assistance to students to support postsecondary education at a cost to the taxpayer of over \$30 billion every year.

According to a May 2007 report in the Academic Competitiveness Council, there are 105 Federal programs supporting STEM education with aggregate funding of \$3.2 billion in 2006. You will note that I am not even talking about millions or hundreds of millions; we are talking about billions.

Here is one. There are at least 17 offender reentry programs across five Federal agencies, different Federal agencies, costing the taxpayers over \$250 million annually.

A 2005 GAO study found there are a total of 23 Federal housing programs targeted or have special features for the elderly, 23 Federal housing programs that target or have special features for the elderly.

There are at least nine programs at the USDA tasked with researching and developing biofuels, costing taxpayers nearly \$300 million annually. Over \$800 million was included in the stimulus bill for these initiatives.

The Federal Government oversees at least 15 different preservation programs costing taxpayers nearly \$100 million annually.

There are at least 28 Federal programs totaling over \$5 billion that support job training and employment.

Here we are, with an outstanding public debt well over \$12.3 trillion. The estimate for this year is the largest in history. The estimated population of the United States is over 307.6 million people. Therefore, each U.S. citizen's share of this debt is approximately \$40,100. That is \$40,000 for every man, woman, and child in this country. That is shameful, shameful spending that has laid this debt on future generations of Americans. The greatness of America is based on the tradition that one generation has passed off to the next generation a nation that is better off than the one they inherited. What kind of a nation are we going to hand off to the next generation of Americans with a debt to the Chinese of \$800 billion, a debt of over \$3.5 trillion held by foreigners, and the debt goes on and on and on with no end in sight.

Why should we not try Dr. COBURN's method? Why should we not attempt to do something different rather than

raising the debt limit every time we have spent so much we have to raise it again?

Let's look at what we spent last year alone: \$787 billion on the so-called stimulus bill which amounts to \$1.1 trillion, if you calculate the interest; \$700 billion in TARP to bail out the banks and other ailing financial institutions; \$410 billion for the Omnibus appropriations bill, a package of 9 appropriations bills rolled together, which contained over 9,000 unrequested, unnecessary, run-of-the-mill pork-barrel earmarks; \$450 billion for the 2010 Omnibus appropriations bill, a package of 6 bills rolled together, containing 5,000 unrequested earmarks. Let's put them together. In two bills last year, one for 2009, the other for 2010, were at least 14,000 earmarks. The Democratic leadership worked with the President to ram through a \$3.5 trillion budget resolution. We have spent \$83 billion to bail out the auto companies. There is still a chance that a \$2.5 trillion health reform bill may be passed by the other side.

Overall, domestic spending has increased by 14 percent over the last fiscal year. Inflation has been practically zero for all intents and purposes. But the spending has increased by 14 percent. Don't we get it? Don't we see what we are doing to future generations of Americans? Don't we see that a debt for \$40,100 for every man, woman, and child in America is unconscionable? Why don't we try the Coburn amendment before we willy-nilly increase the debt limit by another \$1.4 trillion? Why? Why can't we at least make an effort?

One thing I know about Dr. COBURN, he researches his information carefully. He has shown us we don't need to raise the debt limit and give ourselves a green light to spend even more. We have before us an opportunity. We can turn things around today. We can pass this amendment and begin the hard work and make the tough decisions necessary to put us on the path to fiscal solvency and national prosperity.

Here we are with a bill before us to increase the debt limit which would increase, then, the debt that every man, woman, and child in America has, as we continue this almost unrestrained spending spree.

I have said to my colleagues for a long time—and I think it was authenticated in Massachusetts recently—the American people are mad. They are angry at the spending. They do not want to lay a huge debt on future generations of Americans. They do not believe there is a shred of fiscal responsibility in the Congress or the administration. I will fairly note that this out-of-control spending was not invented with this administration. Republicans, when they were in charge, let spending get completely out of control. We betrayed our fiscal base. We paid a heavy price for it, but we deserved to pay that price. Now is the time to say stop,

stop borrowing against our children and grandchildren's futures. Stop putting ourselves in a precarious situation, where the Chinese own so much of our national debt that they have their hand on the throttle of the American economy.

I hasten to add, it is not in China's interest to hurt the American economy. But it certainly can't be in our interest, in any way, to be in that kind of fiscal jeopardy. We cannot do that—not to mention the \$3.5 trillion in debt held by foreigners.

I say to my colleagues, let's look at the Coburn amendment. It is well thought out, well researched. Let's put the brakes on the mortgaging of America's future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask unanimous consent to speak as in morning business.

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

CHRISTMAS DAY TERRORIST ATTACK

Mr. ENSIGN. Mr. President, I had the benefit last week of attending two different hearings on the attempted terrorist attack that took place on Christmas Day. The first was in the Homeland Security Committee and the second was in the Commerce Committee. One thing became clear: There is a definite disconnect in this administration about how to handle terrorists once they are captured. Over this last weekend, Osama bin Laden claimed responsibility for the foiled Christmas Day bomber terror attack. He has, once again, inserted himself into the national security dialog in the United States.

I fear al-Qaida will have another opportunity to attack the United States because of the fumbling of intelligence information that could have been gathered on the Christmas Day bomber before his attempted attack and subsequently from this terrorist after he was captured. But this administration clearly dropped the ball. We know the Director of National Intelligence, Dennis Blair; FBI Director Mueller; National Counterterrorism Center Director Michael Leiter; and the Homeland Security Secretary, Janet Napolitano, were not consulted about the decision to read Abdulmutallab his Miranda rights and try him in civilian courts. We know that as soon as this terrorist was told of his right to remain silent, that is what he did. He stopped talking.

It is unfathomable that these individuals were not even consulted before this hugely important decision was made. After the hearings conducted last week and interviews over the weekend, it appears it was ultimately the Attorney General who made the decision to read the Miranda rights and place Abdulmutallab in the civilian court system. However, there is a lot of ambiguity to show how this decision came to be made. Were there any deliberations or meetings that occurred prior to this decision? Was the President brought into this discussion? All

these ambiguities need to be cleared up so we do not make the same mistakes again.

As a member of one of the committees charged with oversight of homeland security, I will be asking for a written response from the administration on this issue.

Additionally, because the heads of government agencies charged with making the decisions do not seem to be talking, I have joined with several of my Senate colleagues to cosponsor legislation authored by Senator COLLINS and Senator LIEBERMAN, the distinguished ranking member and chairman of the Homeland Security Committee. This legislation would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense prior to the initiation of giving any terrorist Miranda rights or the initiation of civilian criminal charges against a foreign person detained by the U.S. Government on suspicion of any terrorist activities. The legislation would also require, in the event of a disagreement amongst these folks on whether such action should be initiated in civilian criminal court, that the Attorney General not initiate such action unless specifically directed by the President. I ask my other Senate colleagues to join me in cosponsoring this vital legislation.

A second thing we learned from last week's hearings was there is confusion about when the high-value interrogation group or the HIG should be convened to decide on whether to interrogate terrorists such as Abdulmutallab or to interview them with their lawyers present. Director of National Intelligence Dennis Blair told the Homeland Security Committee:

This unit was created exactly for this purpose—to make a decision on whether a certain person who is detained should be treated as a case for Federal prosecution or for some other means.

The intelligence chief said the interrogation group was created by the White House last year to handle overseas cases but will now be expanded for domestic cases.

He said:

We did not invoke the HIG in this case. We should have.

Subsequently, we heard from the administration that this HIG unit isn't even up and running yet.

My question is, How does the individual who is in charge of our intelligence infrastructure not know the policy and procedures for interrogating terrorists? Based on the testimony given last week, it would seem we do not have a fully integrated and comprehensive method for interrogating terrorists, whether they are captured abroad or here at home. The capture and subsequent handling of terrorist Abdulmutallab was bungled from the get-go. It is continuing to be bungled.

A week ago, I signed a letter to President Obama with a number of my

colleagues indicating that the decision to prosecute this terrorist in civilian court has resulted in a missed opportunity to collect timely intelligence. In order for the U.S. Government to fully understand where we failed on Christmas Day, it is imperative we examine the methods and means Abdulmutallab used to avoid detection.

As many of my colleagues have pointed out, our ability to gather this information has been severely hampered by the decision to put this terrorist almost immediately into the civilian court system. He now has all the rights, protections, and privileges of American citizens. Make no mistake about it, this decision to try Abdulmutallab as a U.S. citizen, which he is not, as opposed to an enemy combatant will be a detrimental impact on our ability to learn more about this failed terrorist attack. Taking it a step further, this decision may very well weaken our national security. Last week, the Republican leader mentioned that a year ago the President, immediately after taking office, decided to revise the Nation's interrogation policies and to restrict the CIA's ability to question terrorists.

This was done by Executive order. While questioning the Director of National Intelligence, I specifically asked if the Director believed the classified interrogation methods used previously by our own government were more effective than the current methods found in the Army Field Manual that is publicly available for the terrorist to train to.

One statement the DNI, the Director of National Intelligence, made during the Q-and-A portion of the hearing particularly caught my attention. In response to a question from Senator BURRIS regarding al-Qaida's ability to exploit open source intelligence, Admiral Blair stated this—I am quoting, once again:

[T]he public discussion of the specifics of the defensive measures we take are making it that much easier for people to evade our defenses and come in . . . I think they are just making the job of those who are working hard to try to defend us that much harder. It costs the taxpayer that much more money. And I wish people would just shut the hell up.

That is what he said.

So if keeping some of our airport security measures a secret makes it harder for terrorists to evade them, shouldn't that same logic also hold that keeping some of our interrogation measures classified also makes it harder for the terrorists to beat those interrogation techniques? But this administration does not seem to be on the same page.

As I am sure you can imagine, those who wish to do us harm can simply train to the methods that are publicized in this public document. By limiting our intelligence community to only those techniques in the Army Field Manual, we have removed one important tool the intelligence community has to use against al-Qaida; that is, fear of the unknown.

Terrorists now know exactly what our interrogation methods and limitations are, and based on that knowledge they can train and prepare themselves to successfully resist our interrogation efforts.

I am also concerned that the administration may begin to bargain or propose a plea deal to this terrorist, Abdulmutallab, in order to obtain additional information. I believe this would set a very dangerous precedent for would-be terrorists in order to potentially have their jail time reduced. It is my understanding the policy of the United States is not to negotiate with terrorists.

We should comprehensively and effectively interrogate terrorists to gain the information we need, not to negotiate with them for it. The only true way to gather this information is through an extensive interrogation of the terrorist by highly trained intelligence personnel. The definition of an "extensive and comprehensive interrogation" is not a 50-minute questioning while the terrorist is being prepped for surgery, as was the case with Abdulmutallab.

Extensive interrogations are conducted over a sustained amount of time, with members of various government agencies included. They incorporate individuals from defense intelligence and have elements of uncertainty and surprise. This means those conducting the interrogations are not limited to a set of interrogations which the terrorist has trained against. In short, a proper and extensive interrogation should not solely consist of the interrogation methods listed in the Army Field Manual.

We have in our custody an individual who has been trained by al-Qaida. He has met with some of its most senior leaders and has not been properly and comprehensively interrogated. How is this possible? He could give us information on the al-Qaida command-and-control structure. It is possible he could give us information on funding mechanisms, ongoing operations, safe houses, personnel and leadership profiles, al-Qaida's governmental connections in Yemen and maybe other Middle East nations, and what the enemy views as weaknesses in our airport security.

What happens if, say, new information comes to light; say, Osama bin Laden releases a new tape like he just did, or if we intercept some communication coming out of Yemen? As it stands now, we have lost the ability to interrogate Abdulmutallab on those issues.

Over the weekend, we heard a preposterous statement from the President's spokesman when he said the FBI got all the information they could get out of him. That is a preposterous statement. I do not believe that to be the case, and I do not believe most Nevadans or other Americans believe it either.

It is for these reasons we must transfer Umar Farouk Abdulmutallab to the

military and remove the Executive order restrictions that requires our intelligence community to follow only the Army Field Manual when interrogating a terrorist. It is in the best interests of the security of the United States to do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3303

Mr. INOUE. Mr. President, I rise to speak in opposition to an amendment offered by the Senator from Oklahoma. Once again, we find ourselves debating an amendment that at first blush sounds like a good thing. But when Members take the time to actually read the amendment and understand the programs it impacts, they will discover this amendment causes harm to our national and international security and to our economy.

Let me begin by discussing the last section of the amendment, section 16. Section 16 of the Coburn amendment is based on assumptions that reflect a lack of understanding about both what constitutes discretionary unobligated balances as well as about Federal funding and oversight for certain critical procurement programs.

The Senator from Oklahoma claims that \$100 billion would be rescinded from an estimated \$657 billion in unobligated balances. First, this amendment assumes a rescission amount based on erroneous assumptions. Specifically, the majority of the \$657 billion in unobligated balances would not be eligible for rescission under criteria outlined in the amendment because they are either mandatory funds or they are not older than 2 years.

Second, because of the small amount of unobligated funding eligible for rescission, this amendment indiscriminately rescinds prior year unobligated funding from certain critical programs, jeopardizing our national defense, our homeland security, our economy, and the well-being of our citizens.

For example, we require the Department of Defense to budget up front for all the costs required to procure military equipment, such as ships or aircraft. But I think all of us are aware it takes several years to complete construction.

For shipbuilding specifically, funds provided to the Department of Defense are available for obligation for 5 years. Rescinding unobligated funds would now require the Navy to cancel contracts for ships under construction and lay off thousands of workers across the Nation's shipyards.

In terms of our veterans who have returned from war or have fought bravely in past wars, section 16 also severely impacts the construction of new hospitals by the Veterans' Administration.

Like for defense procurement, the VA requests full funding for the construction project in the first year. As a result, the Veterans' Administration has 43 active major construction projects at various stages of completion, total-

ing over \$1.6 billion in unobligated balances. Over 49,000 construction jobs would be terminated with the loss of this funding, further delaying critical services to our brave men and women who have served us.

Rescinding unobligated balances in the Department of Homeland Security would stop the construction of the Coast Guard National Security Cutter and would rescind funding for the purchase of explosive detection systems.

Rescinding unobligated balances in NOAA would create a minimum 6-month gap in coverage for the geostationary weather satellite system, which focuses directly over the United States, and constantly and accurately monitors storm conditions. Over 200 employees would lose their jobs.

The reasoning for the amendment of the Senator from Oklahoma is a catch-22 for those of us on the Appropriations Committee with responsibility for overseeing our taxpayers' dollars. We are criticized for having funding that is unobligated for more than 1 year. Well, a ship is not built in a year, a hospital is not built and equipped in a year, and the next generation satellite is not built in 1 year.

The Coburn amendment proposes to rescind an additional \$20 billion from programs he perceives to be redundant. We can go around and around about what is redundant and what is not because one's perception of what is or is not a duplicative program is based on subjectivity. It is that simple, and this amendment reflects what the Senator from Oklahoma alone believes is redundant. But what is clear is that this amendment proposes to cut \$20 billion in funding that the Congress voted on and agreed to provide just months ago.

The impact of these cuts has significant consequences for many critical services. For example, the Senator's amendment proposes that the intent is to consolidate duplicative programs serving the homeless. However, in reality, this language simply calls on the Department of Housing and Urban Development to implement a 5-percent reduction across the Department's programs. The bulk of the funding increase recently provided by Congress to HUD covers the increasing cost of providing affordable housing to our Nation's low-income citizens. According to HUD's Annual Homeless Assessment Report, on any given night there are over 650,000 people who are homeless. However, HUD's resources fund 183,000 beds. During this difficult economic time, it is not the time to cut housing for the Nation's poorest individuals.

This amendment also takes aim at nursing education programs, claiming they are duplicative, when in fact they are not. While there are several programs that promote nursing education, each of these programs addresses different needs in our Nation's effort to address a profound nursing shortage. We have a loan repayment program to get nurses to rural areas, a program to incentivize nurses to teach, and a pro-

gram to expand nurse training in geriatric care.

The amendment instructs the Secretary of the Interior to consolidate programs for dealing with the impacts of climate change. The truth is, each of the three agencies named by the Senator deal with a different aspect of climate change, and each brings a special expertise to the problem. They are not duplicative; they are complementary based on specific expertise.

For the Department of Energy, the Building Technologies Program is not a grant program to weatherize existing residential and commercial buildings in the same fashion as the weatherization program does for residential homes. There is a difference between a residence and a building. It is a research and development program aimed at new technologies. There is simply not overlap or duplication in these programs.

The amendment proposes to rescind funding for the 2010 census. Any reduction in funding for the constitutionally mandated 2010 census at this critical time would jeopardize the completion of a timely and accurate count, which is necessary, sir.

The amendment proposes to cut \$2.2 billion from critical Department of Homeland Security programs.

The attempted destruction last month of Northwest flight 253 near Detroit is our most recent reminder that terrorists continue to threaten our homeland and the security of all Americans. This amendment would reduce funding for the purchase of explosive detection equipment at the very time the Department of Homeland Security Secretary has asked us to address the need for further increases in airport security.

In closing, the author of this amendment arbitrarily rescinds funding with no true justification. The rescission of \$100 billion from the \$657 billion in unobligated balances, as we know, would wreak havoc on ongoing procurement. The rescission of \$20 billion is based on the claim of redundancy in programs where no redundancy exists.

This is a bad amendment with bad consequences. It is time for Members to act responsibly. We have a well-established process for funding the Federal Government. It involves a Budget Committee that sets our allocations and involves the consideration and approval by the Senate of every appropriations bill. It is not passed in the dark of night.

I can assure my colleagues in this Chamber that the Appropriations Committee takes its responsibilities seriously, and every agency budget is reviewed and oversight is provided throughout the year. Each year, the Appropriations Committee recommends rescissions of funds that are not needed. But those rescissions are based on detailed oversight and understanding of the programs, not indiscriminate action.

This amendment is not based on careful review and would harm many

worthwhile programs, and it fails to meet the test of proper oversight. I urge my colleagues to oppose this amendment.

AMENDMENT NO. 3308

I will also speak on another amendment. I will speak in opposition to the amendment offered by the Senator from Alabama, Senator SESSIONS.

We are all concerned with the growth of the deficit and the need to control the debt of the United States. I support that goal, as I imagine all of us in this Chamber support the goal. None of us disputes the ultimate threat to the standard of living of our citizens posed by long-term deficit spending.

However, the amendment offered by the Senator from Alabama is not the appropriate way to attack the issue, for several reasons. As I understand the amendment, it would have the effect of freezing any increases in nondefense discretionary spending for the next 5 years.

In addition, the amendment would impose caps on emergency spending that could potentially cripple our ability to respond to emergencies, such as hurricanes, earthquakes, or terrorist attacks.

The amendment also contains unrealistic spending caps that would restrict funding needed to support our forces in Iraq and Afghanistan.

Let's start with the facts. For fiscal year 2010, the government spent \$2.9 trillion, of which about \$1.2 trillion was discretionary. The remaining \$1.7 trillion we declare as being mandatory. Of the \$1.2 trillion that was discretionary, approximately \$526 billion, or less than half, was for nondefense purposes. Therefore, this amendment attempts to reduce the deficit of the United States by constraining 18 percent of total government spending. If the goal is to reduce government spending, I am unclear on how constraining growth on just 18 percent of that spending will be at all effective.

In addition, if we examine the actual numbers involved here, it becomes even clearer that this amendment will simply not achieve its stated goal. From fiscal years 2006 to 2009, the Federal debt was increased by approximately \$4.4 trillion. During that time, the total increase in nondefense discretionary spending was approximately \$93 billion, as compared to \$4.4 trillion.

Doing the math, for the past 4 years, the increase in nondefense discretionary spending has accounted for 2 percent of the increase in the national debt—just 2 percent.

What do we get for this 2-percent savings? Aside from the obvious challenge of funding vital government programs without even an adjustment for inflation, we also put our country and our citizens at risk.

Arbitrary spending caps would impede the delivery of resources needed to keep Americans safe from terrorist attacks and violent crime. Such subjective across-the-board restrictions would hinder our ability to protect our

homeland and secure our borders. As more and more of our service men and women are returning from the battlefield, this measure would restrict our ability to provide our military personnel and veterans with the medical care and support they need.

These are only a few examples of the damage that would be done to vital programs, all for a projected savings of 2 percent.

Even more troubling, this amendment would impose a roughly \$10 billion annual cap on emergency spending. Emergency spending is, by its very nature and definition, impossible to predict. To deliberately impede the government's ability to respond to natural disaster or major terrorist attack I say is deeply irresponsible.

Recent history clearly demonstrates the folly of attempting to affix a set price to future emergencies. More than 4 years later, the gulf coast is still recovering from destruction wrought by Hurricane Katrina. Over \$100 billion in Federal resources has been needed to respond to this one disaster alone.

We have all seen the horrible suffering that has resulted from the devastating earthquake in Haiti. What if a city in California were to experience a similar disaster? This reckless amendment could delay or block the timely delivery of resources needed for an appropriate Federal response.

The recent Christmas Eve airline bombing attempt serves as a stark reminder of the grave threats that continue to face our Nation. In the event of a major terrorist attack on our soil, the Federal Government must not be constrained by an emergency spending cap.

Remarkably, this amendment would also restrict funding needed to support our men and women in uniform fighting overseas. Based on earlier budget projections that no longer reflect fiscal reality, this amendment provides \$130 billion for the current fiscal year and \$50 billion per year thereafter for "overseas deployments and other contingencies." The President's recent decision to increase troop levels in Afghanistan will almost certainly require additional resources from Congress.

I find it very difficult to imagine that the Senator from Alabama genuinely believes that \$50 billion would suffice to cover the cost of the wars in Iraq and Afghanistan.

If this amendment were adopted, with defense and overseas caps, in statute, are we expecting Congress to cut defense to pay for these operations? That is what this amendment authorizes.

Spending restraints that would deny funding needed to support our troops are not fiscally prudent; they are deeply irresponsible.

Finally, I remind my colleagues that we already have a 60-vote threshold to overcome budget points of order to appropriations bills. As we all know, 60 votes is not a minor hurdle to overcome. By increasing that threshold to

67 votes, we turn over decisionmaking to a small portion of the Senate. We should not let those who represent only one third of this body exercise control over bona fide emergency spending.

This country must face the challenge of reducing our deficit. We all agree to that. But we must do so in a meaningful and effective way. I do not believe this amendment does either.

I urge my colleagues to join me in voting against the Sessions amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

UGANDA

Mr. INHOFE. Mr. President, a lot of times attention is drawn to terrible things going on around the world. We hear a lot about Sudan, and we hear about Zimbabwe, with a president who has taken that country from the breadbasket of the world to one of the most impoverished nations around.

But there is one area nobody talks about. I have been trying for quite some time to get attention drawn to this area. We have a bill that is introduced by Senator FEINGOLD, myself, and others, which is called the LRA Disarmament in Northern Uganda Recovery Act. This essentially does one thing. It directs the administration to develop a research strategy to apprehend a guy named Joseph Kony and the top LRA commanders throughout the country and protect the civilians.

The reason this is important—and I have been dealing with this issue for 10 years, or perhaps more. I have had occasion to spend time with President Museveni of Uganda, President Kagame of Rwanda, and President Kabila of Congo, and others in that area. Twenty-five years ago, Joseph Kony—he is kind of a spiritual leader in that eastern African area. He is a deranged person. He decided to start a thing that some people have heard of, called the "child's military" or the "children's army," where he goes out and abducts little kids. For more than 20 years, he has led this Lord's Resistance Army. He has done it primarily in the area of northern Uganda.

I have been there several times to Gulu, which is the headquarters area. Many of the kids who have survived him are up there now in hospitals. His way of doing things is to go into villages and abduct children, young children—I am talking about 11, 12, 13-year-old children—and teach them to be soldiers, with AK-47s, the whole thing. Then they have to go back to their villages and murder their parents and all their siblings. If they do not do that, they cut their ears off and cut their noses off and cut their lips off, as we can see in this picture. Here are these young, little guys. That little boy is about 10 years old with an AK-47.

The tribes in that part of Africa, Hutus and Tutsis, have been fighting forever. We are all familiar with the genocide that took place in Rwanda and the millions of people who lost their lives and the torturing that went on. The things that have happened are just mind-boggling. Yet all the time that was happening, nobody realized what was going on in that area.

Millions of people have fled their homes over time and have been in displacement camps in the areas I just described. A vast nation in the heart of Africa, the DRC—the Democratic Republic of Congo—has strived to recover from lengthy civil wars. It goes back to many years ago, back when Congo got its independence from King Leopold II. Anyone with an interest in Africa at all should read a book. It is called “King Leopold’s Ghost.” When you read this book, you will find out what really happened, what the true story is not just of the Congo but all of Africa.

This area was in the Congo. The wars started back in 1960 and then the most recent started in 1990. Joseph Kony would go into these areas of displaced people and capture the young people. We made an effort, as we tracked him from one area to another just about 6 months ago, to Goma—that is a fairly large city in Eastern Congo. That is where he was last seen. He left before we got there. As he went north up toward the Sudan, he mutilated 900 people, most of them young people, on that route.

One might ask the question, Why is it these countries are not able to eradicate this person, to do something about him? The problem is that we have a very fine President in Uganda, President Museveni. Museveni used to be a warrior. I think there is a reluctance of the warriors who become Presidents of African nations to want to say: We cannot handle the security ourselves; we are going to have to depend on other countries, the United States or other countries, to do it for us. He has been somewhat resistant.

President Kagame from Rwanda is—I think everyone agrees—one of the greatest leaders in Africa. He is the one, in the genocide of 1994 that wiped out most of his population, who was able to go back. As you go down from the airport to the capital area of Rwanda, you would think you are in an American city. In fact, it is much cleaner than many American cities. He has been able to bring it back up. He also came from the bush as a warrior. Again, he is a great person. As I said the same thing about President Museveni, there is a reluctance to admit they cannot handle these problems themselves.

President Kabila is President of Congo. Congo used to be called Zaire. It is a gigantic area. We remember the stories of explorers who went over there and were able to get all the way across the Congo, taking months and months to do so, many of them losing their lives. Back when the Congo was

having serious problems, President Kabila, Sr., was there. He was actually killed, and his son Joe Kabila took the reins of the country. Joe Kabila also has a military background.

So we have three Presidents. They respect each other. They are not at war with each other. They all have one thing in common; that is, they want to eradicate this monster called Joseph Kony. They have not been able to successfully get that done.

What we are doing with this legislation is recognizing, because we never hear anyone talking about it, that there is this serious problem that is taking place. We all want to do things to help people who are downtrodden, but this is one that has been overlooked.

Finally, this bill would give everybody throughout the world an understanding that this is now a U.S. priority and that we are going to finally do something to get rid of this Joseph Kony.

It is easy to say that is another part of the world until you get over there and see. These are kids from 10 to 12 years old being forced to murder people in their own village. They brutally torture these children and maim them for life. That is what this guy has been doing for 25 years.

We have an opportunity to do something. We never had an opportunity before. We tried to introduce it. This bill is one that is out of the Foreign Relations Committee now. It is sponsored primarily by Senator FEINGOLD. I did not support it at first because it does require about \$30 million to \$35 million. He had it offset by taking money out of the Air Force. I did not like that. I think this President is going to go down as the most anti-defense, anti-military President in history. We punished the military enough, and I am not going to take any more money out of that budget. They agreed to pull that out in committee. The money should come from USAID, from existing State Department funds. We do not know that yet, but we do know this is going to come to the floor. We want it to come to the floor. There is a hold on it now. In fact, the hold is by my junior Senator. I hope we are able to get this bill.

When we look at how many years something like this has been going on, this unspeakable type of behavior—we don’t know of anyplace else in the world. It is a very small price to pay, a small effort to let us take the lead with other nations. I can assure my colleagues that other nations will follow. I have given talks in Canada and some of the other places about the problems we have with Joseph Kony.

People say we just need to have somebody come in and say: If you can get together the Presidents of these countries of Rwanda, Uganda, Congo, Sudan, and the Central African Republic, these five countries, then we will come in if you lead the way. That is what we want to do.

There are so many things going on right now. We have people who, when we had the PEPFAR bill—that was a bill to send money to countries, primarily African countries. That bill was on the floor of the Senate. It had been funded previously at \$15 billion. Just 6 months ago, that bill was down here. They raised it from \$15 billion to \$50 billion. They raised it \$35 billion. That is going to go to Africa with very few controls on it. We do not know where the money is going to go. This is less than one-thousandth of that amount to defend these kids.

There is a group I ran into up in Gulu in northern Uganda. It was about 3 years ago. I wish I could remember their names. Young college kids recognized this was going on. They went up there with camera crews and took pictures. They have been here and rallied the support of literally thousands of college kids who have become familiar with these atrocities that are taking place. I applaud them for doing it. They wonder why we cannot do something.

If you can increase your PEPFAR funding for Africa by \$35 billion and you don’t want to spend one-thousandth of that amount, \$35 million, to save those kids—30,000 kids over the years have been mutilated like this—then there is something wrong with this country.

We are going to make every effort—Senator FEINGOLD is one of the more liberal Democrats, and I am one of the most conservative Republicans. This crosses all these concepts.

I know my time has expired, but I only want to say I want to do everything I can to get this legislation through. I am going to ask our conservative friends to listen and do something that is right on this legislation. I believe, with the 51 cosponsors we have right now, we ought to be able to get the bill passed if we can get it to the floor.

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

THE PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

THE PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

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

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE ECONOMY

Mr. BURRIS. Mr. President, a little over a year ago this country stood on the brink of economic disaster. Banks and financial institutions wavered on the verge of collapse. The foundation of our economy was shaken to its core. But that is when this Congress took bold action. In the face of public discontent, many of my colleagues summoned the courage to cast a difficult

vote—a vote that set aside hundreds of billions of dollars to prop up our failing financial institutions, a vote that was not popular with the American people but that I feel history will judge as the right thing to have done.

These are the moments that define us—as individuals, as public servants, and as a nation. The American people called upon their representatives to make tough choices, to exercise their best judgment, and rise to every occasion that may impact the quality of life of the people of this country.

I applaud my colleagues on both sides of the aisle who lived up to these expectations and made the decision to do what was right, not what was popular. As a result of their courage and their ability to reach for something larger than the small politics of the moment, our economic foundation has been stabilized. That vote brought us back from the brink of disaster and restored confidence in the financial institutions that threatened to undermine our entire system. It did what was necessary to prevent a complete economic meltdown.

But make no mistake, this emergency legislation did not solve every problem. It was not a cure-all. And as many hard-working Americans will tell you, we are not out of the woods yet. There are still miles to go. Our country remains on the road to recovery. If we want to continue down this road, this Congress needs to take the next step. So at this point, we must turn our attention to the ordinary Americans who are still suffering. It is time to help Main Street. It is time to take bold action to create jobs, help small businesses, and stabilize community banks. It is time to shift our focus to the innovators, entrepreneurs, and local institutions that drive our economy on a daily basis. In some places, things have already started to turn around and we need to continue that progress, but especially among poor and minority communities, these groups are falling further and further behind. As a former banker, I understand the vital roles these institutions play in local communities and our economy as a whole, and I understand the challenges they face in tough times such as these.

That is why we need to embrace a new economic program which will encourage banks to start lending, make capital available for small businesses, and mitigate the foreclosures. Let's stop shutting down people's homes and putting them out in the streets. If we work together to tackle these priorities, we can have regular Americans get back on their feet without spending another dime on Wall Street.

Let us come together right now to send a strong message to Main Street: Help is on the way. The cavalry is coming to help them. We can do this right now. We can do it without passing a new round of emergency appropriations. We can do it without increasing the deficit or the national debt and without writing another 100-page bill.

When the original economic stimulus was passed more than a year ago, this Chamber set aside roughly \$700 billion to aid in the recovery effort. These efforts have been effective and, as we speak, there is still \$320 billion that has not been spent. So rather than begin the process again, as some have suggested, let us simply change the focus of the existing program. Let us draw from the money we have already set aside to help small businesses, local banks, and ordinary folks. At the moment, we don't have the resources or the time to start over with a new round of stimulus legislation, so let us seize this opportunity to direct funds we have already designated for this purpose.

Every Member of this body has seen the devastating effects of the economic crisis in their home States. Everyone in this Chamber knows we need to act with urgency. We can't wait another moment. Thankfully, if we decide to embrace these priorities, there is no reason to wait. We can restore hope and optimism to Main Street, we can help the minority communities, small businesses, and local banks that are still in grave need of our assistance. We can do this, and I believe we must do it. The resources, the funds are there, and the commitment should be there. Let us use those resources now to put them into Main Street and help ordinary folks. Constituents come up to me all the time wondering: Where is my piece of the stimulus package? Well, it could be in Main Street. It could be in our local banks. So let's do it.

I call upon my colleagues to use those dollars that are now in the stimulus package to put them into Main Street, into the local banks, and start helping the local communities.

Thank you. I yield the floor, and 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. SESSIONS. 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. 3308

Mr. SESSIONS. Mr. President, I want to share some thoughts on an amendment that Senator MCCASKILL and I offered earlier today. I note that a number of people are anxious to vote and finish up. If and when that time comes, I will be pleased to yield the floor. The amendment we offered, which would place statutory caps on spending—and that cap level that we picked was in our budget. It is what the Senate passed in the budget last year. It represents an increase each year, which is 1 to 2 percent annually. This is a budget number basically passed by our Democratic colleagues.

So what we are saying is, let's adhere to that. If we adhere to that level of spending, then we can begin to make progress.

A similar type of statutory cap was placed in 1990, renewed in 1997, helped lead us to the only 4 years of budget surpluses in recent memory, from 1998 through 2001. After that, the statutory caps were allowed to expire. We find this was something that actually worked to help us contain excessive spending. This amendment would say that number that is in the budget for the next 5 years would be firm. We would put it in statutory language, but, of course, it can be exceeded by a two-thirds vote of the Senate, and the statute itself can be reversed by 60 votes of the Senate. It is not something that constitutionally would be firm over managing our system. It is consistent with previous actions of the Congress. It worked, and I believe it will work again.

It has been contended today, I understand, that these caps would impose limits on emergency spending that could potentially cripple our ability to respond to emergencies, such as hurricanes, earthquakes, and terrorist attacks.

Well, I just want to say that hurricanes and earthquakes and things of that nature have had huge bipartisan votes for emergency spending. For example, after Katrina, there were two supplemental emergency bills passed. The first was passed by unanimous consent. Nobody objected to it. It was unanimous. The second was passed on a rollcall vote, 97 to 0. There is no doubt in my mind that if we have a serious emergency, we will have a lot of support for responding to that emergency.

Also, one week after September 11, the Senate unanimously passed supplemental appropriations in response to that terrorist attack. So the allegation that somehow this would cripple the ability of Congress to respond to emergencies is inaccurate.

Second, it was contended earlier today that the amendment contains unrealistic spending caps that would restrict funding needed to support our forces in Iraq and Afghanistan.

That is not accurate. The amendment includes specific provisions that prevent the caps from restricting funding for our troops in a time of war. It would not block us from doing that. We are in a time of war. It just would not apply in a time of war.

We hear it said that everybody is concerned with the growth of the deficit and the need to control debt in the United States, but this amendment—the McCaskill-Sessions amendment—is not the appropriate way to attack this issue.

Let me respond to that. For fiscal year 2010, the government spent \$2.9 trillion, of which about \$1.2 trillion was for discretionary spending. The remaining \$1.7 trillion was mandatory spending. That is what we call entitlements. That is when you get 65 and you are entitled to Medicare, and the government has to pay it whether it has any money or not. You are entitled to Social Security payments, and the government has to come up with the

money. We don't vote on it again. We already voted on Social Security to set up how much money you are entitled to get. We have to have that money. That is why it is called an entitlement.

Now entitlements—Medicare and Social Security—exceed the discretionary account, which includes defense. So of the \$1.2 trillion that is in the discretionary account that we actually vote on each year, approximately \$526 billion, or a little less than half, is for nondefense purposes.

This amendment attempts to reduce the deficit by constraining just 18 percent of total government spending. It can make a much larger difference than many people realize. Five-year discretionary spending caps were passed—what we are proposing today—in 1990 and 1997 with strong bipartisan support. In 1997, 44 currently serving Senators supported the caps, and 26 of them were Democrats. It made a difference. We balanced the budget in 1998 through 2001—4 years. The current majority leader and chairman of the Appropriations Committee both voted, in 1990 and in 1997, for the 5-year caps, which restricted annual discretionary spending to approximately 1 to 2 percent increases. That is basically what our legislation would do. It would contain this discretionary spending to 1 to 2 percent.

We know we are out of control. We know that last year discretionary spending increased by 10 percent, and this year it will increase by 12 percent. That is unsustainable. At 7 percent growth, your money will double in 10 years. At 12 percent growth, the amount of money we would be spending in our discretionary account would double in 6 years—double. We are on an unsustainable growth here. Some say: Where do you come up with this money, SESSIONS? This limit of 1 to 2 percent is too tough.

It is not too tough. It is the budget we voted on. Actually, I didn't vote for it, our Democratic colleagues voted for it. It was their budget, and it passed with almost unanimous Democratic support. It calls for a 1- to 2-percent increase in spending over the next 5 years. That is all Senator MCCASKILL and I are suggesting we should do. We would make that harder to bust, harder to break it. We put in a firmer cap. If we stay on that level, and if we have an emergency, we will have to meet it. But if we stay at that level, we could end up surprising ourselves how much good we can do in the years to come.

From fiscal year 2006 to 2009, the Federal debt was increased by approximately \$4.4 trillion. That is a lot. That is almost the total debt of America. We had about \$4 trillion in debt in 2006, and we added, in those 3 years, \$4.4 trillion. During that time, the total increase in nondefense discretionary spending was approximately \$93 billion. This means the increase in nondefense discretionary spending has accounted for 2 percent of the increase in the national debt, our critics say. So it

doesn't make much difference, they would say. They are correct about the surging debt, but not that this would make no difference. If it made little difference, then why are they worrying about passing it?

Restraining discretionary spending, like we did in the nineties, is the bare minimum Congress can do to be fiscally responsible, in my view. For fiscal year 2010, nondefense, nonveteran discretionary spending increased by 12 percent and in 2009 by 10 percent. Those are huge increases, not including the stimulus package. If we included the stimulus package, nondefense discretionary spending has increased 57 percent since 2008, in 2 years.

That is a stunning number. We actually increased discretionary spending by 57 percent in 2 years. The Sessions-McCaskill amendment is similar to the proposal offered by President Obama or what we are hearing he is going to offer—to freeze nondefense discretionary spending for 3 years. This would place a cap on excess. If we break through the President's suggestion and don't freeze and go above that, we hit this cap, and it would take a two-thirds vote to go above that.

Apparently, President Obama's suggestion is less spending than this bill would cap. But that is fine, we can always do less. The danger, from my experience, is that we get carried away and do more.

Some have said the arbitrary spending caps would impede the delivery of resources needed to keep Americans safe from terrorist attacks and violent crime. Such subjective across-the-board restrictions would hinder our ability to protect our homeland and secure our borders.

Well, it does allow for an increase, first and foremost. Second, our congressional process and appropriations process and authorization process should have helped us set priorities within that. It would be unthinkable if this Congress were to somehow take all that money that we need from areas to keep us safe from attack. Surely, we can make judgment decisions about that.

Another allegation is that more and more of our service men and women are returning from the battlefield, and this would restrict our ability to provide them the medical care and support they need.

This measure provides all the funding in the 2010 budget resolution. It would allow that. If additional resources are needed to care for our returning service men and women, and that has bipartisan support, and certainly if we need to be able to take care of injured and wounded, we could get 67 votes. We can do like most people do when they have a necessary expense. They trim spending somewhere else and fund the more necessary item.

Some have said it would impose a roughly \$10 billion annual cap on emergency spending. Emergency spending is, by its very nature, impossible to

predict. The critics say, to deliberately impede the government's ability to respond to a natural disaster or major terrorist attack is deeply irresponsible. But that is not what we do. In the legislation we proposed as an amendment, Senator MCCASKILL and I set up a \$10 billion a year emergency fund—every year. That would be incorporated in the budget resolution, it would be contained in our amendment, and it would be restricted only by the normal 60-vote requirement on a budget point of order for emergency spending. That money would not be subject to a higher point of order, and it would not change up to the first \$10 billion—which is a lot of money.

Alabama's budget, including education, is about \$7 billion. So we are setting aside \$10 billion for emergency funds every year, and if we went above that, we would have to have a supermajority for the kind of emergency that would justify that.

I do not think that criticism is valid. Also, some have said that recent history clearly demonstrates the folly of attempting to fix a set price for future emergencies.

More than 4 years later, the Gulf Coast is still recovering from Hurricane Katrina. Over \$100 billion in Federal resources has been needed to respond to this disaster alone.

Our amendment would have no effect on Hurricane Katrina. The fact is, as I have said before, we have had virtually unanimous votes supporting funding for Katrina. I do not think that is a valid criticism. If we have an emergency, I am confident this Congress will meet it.

The recent Christmas Day airline bombing—I see my friend, Senator LEAHY. Is he seeking the floor to speak? If so, I will try to wrap up.

Mr. LEAHY. Mr. President, I am going to speak for just 3 or 4 minutes, but I do not want to interrupt my friend from Alabama.

Mr. SESSIONS. I will wrap up. I do not want to delay the vote. It will be perfectly appropriate for him to make his remarks at this time.

But first, I will point out this chart. Why do we need to contain the reckless growth in spending? This chart shows how much interest we pay on the debt. When we passed a stimulus package of almost \$800 billion, we did not have that money. Where did we get it? We borrowed it, and we have to pay interest on it.

When we have an emergency, such as Hurricane Katrina—by definition, an emergency is an expenditure for which we do not have the money and it is above our budget. Our budget puts us in deficit. Emergency spending is always deficit funded, funded with borrowed money.

In 2009, the interest we paid on our debt was \$200 billion. That is the public debt. We have more debt than that. We have internal debt. Under the 10-year proposal President Obama gave us early last year, the Congressional

Budget Office concludes that our deficits will surge and that in 10 years, the interest for 1 year would be \$799 billion. That is why everybody says we are on an unsustainable path. How do we get off it? Basically, we have to contain our spending. We cannot have \$800 billion stimulus packages every year or two. We cannot have spending increases of 10 percent and 12 percent in basic discretionary accounts.

If we start taking firm action now, this will not happen. The debt tends to compound. Our deficits tend to compound. They go into the baseline, and then we have an increase over that the next year and the next year, and it compounds a lot more than some of our Members realize. That is why we are getting into the area that threatens the very financial viability of this Nation, as Mr. Greenspan said in December with a statement so strong about the danger we face that it would curl your hair.

That is why Senator MCCASKILL and I think we need to take some action. This is a proven way to do so with statutory caps. I encourage my colleagues to see it for what it is: a bipartisan attempt to be sure we do not rise above the budgetary caps that are in our budget. This amendment would make it hard to go above those levels in our spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, first, I thank my friend from Alabama for yielding time.

AMENDMENT NO. 3303

Among the \$120 billion in funding cuts that would be required by the Coburn amendment is a \$1.3 billion rescission from the State Department. Section 13 of the amendment specifically directs the Secretary of State to eliminate two programs—the East-West Center and the Asia Foundation—saying this would produce savings.

Even if it made sense to eliminate these programs which have a long history of achievement for our Nation and strong bipartisan, bicameral support, to do so would produce savings of only \$42 million—a long way from the \$120 billion about which he spoke. The Senator's amendment does not say where the balance of the \$1.3 billion cut would come from.

The Senator's Web site mentions two other small programs within the State and Foreign Operations budget that he believes should be cut which total \$25 million, and \$20 million of that, incidentally, is for the Tropical Forest Conservation Act, something that gets us praise around the world and actually protects the well-being of everybody in this country. It has long been supported by the senior Republican on the Foreign Relations Committee.

The explanation of the Senator from Oklahoma for eliminating these funds is that other nations should be responsible for the conservation of their own tropical forests. Would that it were so.

But when they get cut down, they affect those of us in Vermont, Colorado, Oklahoma, or anywhere else. In fact, it is like saying to other nations, no matter how impoverished—for example, Haiti—that they should take care of their own health needs. That ignores the fact that deadly viruses, such as HIV and TB, are as oblivious to national boundaries as are carbon emissions from the destruction of tropical forests. It is a shortsighted and unworkable approach to global problems that affect the American people directly.

In defense of his proposal to rescind \$1.3 billion from the State Department, Senator COBURN cites more than \$13 billion in funding for Iraq reconstruction that has been wasted, stolen, or lost. I see my good friend from Oklahoma on the floor. I say in that regard, there is no doubt there was deplorable waste, fraud, and abuse of U.S. taxpayer funds by contractors, such as Halliburton, that received no-bid, sweetheart contracts under the last Republican administration. It was probably the most poorly implemented nation-building program in history. At that time, the Republican Congress rubber-stamped those funds that were wasted—probably not wasted if you were a shareholder of Halliburton; you thought it was a good idea because they walked off with so much of it. The White House even opposed efforts by some of us, including Republicans, to create the Office of the Special Inspector General for Iraq Reconstruction that discovered the misuse of funds.

I also remind everybody that it was the Republican Congress, with a Republican President, that inherited the largest surplus in America's history, created by a Democratic administration, that of President Clinton's, that left a surplus that was paying down the national debt, left a huge surplus to the incoming Republican President. The Republican Congress not only voted to use that surplus to pay for an unnecessary war in Iraq but even cut taxes when we were fighting what ended up being two wars. It is the only time in our Nation's history we have done that—spend the surplus, cut taxes, and somehow these wars that have been going on now for 8 years would pay for themselves.

I think to use the last Republican administration's waste of taxpayer dollars in Iraq as a rationale to rescind funds today that have bipartisan support for the security of our embassies and our diplomats overseas and for programs in Afghanistan, Pakistan, Yemen, the Middle East, Indonesia, Mexico, Central Asia, Israel, and Egypt, where the threats to U.S. national security interests are beyond dispute, would be foolhardy.

Every one of us should agree that not every Federal program deserves to be funded and certainly not because it was funded in the past. I have voted to cut programs in the Appropriations Committee and on this floor because they

have gone beyond their useful life span or were ineffective. Some programs are effective. Those that are not should be eliminated.

But the Appropriations Subcommittee on State and Foreign Operations, with leadership between myself and the senior Senator from New Hampshire, Mr. GREGG—we spent the better part of last year making difficult choices of what to fund and what to cut. The Appropriations Committee approved those choices, Republicans and Democrats, all 29 members, with one dissenting vote, and that was on another issue involving abortion. This amendment would cut funding to combat HIV, TB. Countries receive help from us, from Colombia, to Israel, to Egypt, to Mexico. The Senator from Oklahoma, with one strike of the pen, would arbitrarily slash 5 percent of that funding. Should we look for places where we can save money, where programs are not meeting their goals? Of course. But to do it this way, willy-nilly, picking a percentage out of the air with no concern for the consequences, does not protect the security of the American people.

There is another section of the amendment about which I would like to speak. Section 5 of the amendment directs the Secretary of Education to work with the Secretaries of other relevant agencies to consolidate and reduce the cost of administering the student foreign exchange and international education programs. These exchanges are some of the most strongly supported programs by both Democrats and Republicans in the foreign aid budget.

This amendment takes aim at the Benjamin Gilman International Scholarship Program, as well as several Department of Education international education and research programs, some of which are administered by the State Department, and a National Science Foundation program.

The Benjamin Gilman Program, created by Congress, provides scholarships to American undergraduates to study abroad, including students in nontraditional destinations, or to study critical languages, such as Arabic, Persian, and Chinese. Our military, and our intelligence agencies, say there is an unmet need for Americans who can speak these languages. Senator COBURN would cut funding for it.

The Department of Education's Foreign Language and Area Studies Fellowship Program provides funding for foreign language study at U.S. universities, and several of these programs focus on strengthening study in international business and education, at a time when we are becoming more and more aware we cannot compete just within our borders. Our businesses have to be able to compete with other countries around the world or we lose jobs in America. We should be strengthening our study of international business and education, not cutting these programs.

The amendment would cut other successful exchanges, such as the Fulbright-Hayes programs for teachers, high school students, graduate students, and business professionals. These exchanges bring foreigners with a range of economic, cultural, and ethnic backgrounds to the United States and they send Americans overseas. At a time when America should be reaching out around the world for our security, for our businesses, we should not be cutting these programs which have been woefully underfunded as both Republicans and Democrats have pointed out.

The Institute for International Education is one example of an organization that effectively administers these programs. It provides citizens of other countries with a chance to learn firsthand about American culture, our values, our government, and our way of life. These are among the most effective ways of countering the misrepresentation and false stereotypes about the United States that we see perpetrated by extremists. Some of these programs and their predecessors I saw during the Cold War period. I remember one of the early meetings I had, along with several others, with President Ronald Reagan. He had spoken about the evil empire, and he said: What would you suggest we do? Of the suggestions that several of us made, I said this: Why don't you visit the Soviet Union and invite their leader to come to the United States next year and visit here?

He said: Why?

I said: Because you really don't know much about them. I pressed him a little on that, but he heard me out, and I said: But they do not know much about you either, and it would force them to learn about you and your staff, and it would force us to learn about them and their staff.

Later, in his second term, President Reagan told me that was some of the best advice he ever got. We know how triumphant his visit was to the Soviet Union and how triumphant it was when Mr. Gorbachev came here, and the two of them learned about each other and worked together to lower the threat of nuclear war.

That is just one example.

Mr. COBURN. Would the Senator yield for a question?

Mr. LEAHY. Without losing my right to the floor.

Mr. COBURN. No problem there.

Is the Senator aware that the foreign ops appropriation increased by 11 percent in 2009 and 33 percent last year? Yet the Senator is saying we can't trim 5 percent from that budget? Am I hearing the Senator correctly? We increased it 46 percent in 2 years, and we can't cut 5 percent?

Mr. LEAHY. I would tell the Senator from Oklahoma that if you look over the last 10 years, there have been significant shortfalls in many of these programs, and in personnel. The increases began first at the request of

former President George W. Bush, and then followed by President Obama because they realized the need for us to have these programs for our own security.

My response would be: Where do we make cuts? Your amendment does not say. Do we start with individual countries—Israel, Egypt, and so on? Do we start with programs to combat HIV, or malaria, or programs to eliminate childhood diseases in Africa? These exchanges enable Americans and foreigners to conduct scientific research to increase understanding and cooperation.

Rather than cut funding, Senators on both sides of the aisle have consistently urged the Appropriations Committee to increase funding to expand our efforts to promote better understanding of the United States. If we had funded all the requests for increases, it would be considerably more than it was. Senator GREGG and I stayed within our allocation. Also, I think it was the only appropriations subcommittee that reported a bill with no earmarks.

If there are ways of consolidating to reduce some administrative costs without harming the effectiveness or reducing opportunities to participate in these exchange programs, I am for it. But rather than by amendment to the debt ceiling bill, rather than giving carte blanche to the administration—or any administration—let's consider this in the normal appropriations process in a deliberative way.

Mr. President, we actually work hard on these bills. We make difficult choices. Some things get funded, others do not. We vote up or down. We have to stay within our budget, and we did, and we did it without earmarks. So I believe the amendment should be rejected.

It sounds nice we should just eliminate \$2 billion in waste. Who would not want that? Let us be specific. Let us make the hard choices and say where the cuts are going to come from. The Senator's amendment does not do that. I recall a Republican President who gave great speeches about a constitutional amendment to balance the budget, and then during his administration tripled the national debt. I have heard great speeches by people who have voted to cut taxes during two wars, by people who instead of using the surplus left by the last Democratic President squandered it in a year's time.

Mr. President, I see the distinguished majority leader on the Senate floor, so I yield the floor.

Mr. REID. I thank the Senator from Vermont, the chairman of the Judiciary Committee.

Mr. President, I ask unanimous consent that it be in order for the Coburn amendment, No. 3303, to be divided into four divisions, as follows, and modified to strike sections 17 and 18: section 1, division I; section 2, division II; sections 3 to 5, division III; and section 16, division IV; further, that once the Re-

publican leader or his designee has offered his amendment, a copy of which is at the desk, no further amendments or motions be in order; that Senator COBURN be recognized for up to 15 minutes; that upon the use or yielding back of that time, the Senate proceed to vote with respect to the following amendments in the following order; and that prior to each vote, there be 6 minutes of debate equally divided and controlled in the usual form—that is, there be 3 minutes on each side: Coburn division I, Coburn division II, Coburn division III, Coburn division IV; that on Thursday, January 28, after any leader time, the Senate then resume consideration of H.J. Res. 45; that no further debate be in order except as provided for in this agreement; that prior to each of the following votes with respect to H.J. Res. 45, there be 4 minutes of debate, equally divided and controlled in the usual form: Brownback amendment regarding commissions, which is at the desk; Sessions-McCaskill amendment No. 3308; Reid amendment No. 3305; Baucus, for Reid, substitute amendment No. 3299; passage, H.J. Res. 45; further, that the cloture motions filed with respect to H.J. Res. 45 be withdrawn; with the vote threshold requirement still in effect as provided in the order of December 22, and that the Baucus amendment No. 3306 be withdrawn; further, that upon disposition of H.J. Res. 45, the Senate then proceed to executive session, and there be 60 minutes of debate prior to the cloture vote on Executive Calendar No. 641, the nomination of Ben Bernanke to be Chairman of the Board of Governors of the Federal Reserve System, with the time equally divided and controlled between the leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I wish to modify my consent request. I said sections 3 to 5, but it is sections 3 to 15 be division III.

Mr. COBURN. Mr. President, reserving the right to object, and I will not object, but I want to convey my appreciation to the leader and his staff for allowing division in the four areas on my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3303), as modified, is as follows:

At the appropriate place, insert the following:

**TITLE —ELIMINATION OF
DUPLICATIVE AND WASTEFUL SPENDING**
**SEC. 1. IDENTIFICATION, CONSOLIDATION, AND
ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.**

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and governmentwide and report annually to Congress on the findings, including

the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

SEC. 2. REPEAL OF INCREASE OF THE OFFICE BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111-68 for the legislative branch, \$245,000,000 in unobligated balances are permanently rescinded: *Provided*, That none of the funding available for the Legislative Branch be available for any pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend.

SEC. 3. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF AGRICULTURE.

Of the funds made available under Public Law 111-80 for the Department of Agriculture, \$1,342,800,000 in unobligated balances are permanently rescinded: *Provided*, That as proposed by the President's FY 2010 budget, no funding may be available for the Economic Action Program, which is duplicative of USDA's Urban and Community Forestry program, has been poorly managed, and has funded questionable initiatives such as music festivals: *Provided further*, That no funding may be available for the High Energy Cost grant program, which is duplicative of the \$6,000,000,000 in low interest loan programs offered by the USDA's Rural Utilities Service: *Provided further*, That as included in the Congressional Budget Office's August 2009 Budget Options document, which states that the program "merely replaces private spending with public spending", no funding may be available for the Foreign Market Development Program, which also duplicates the Foreign Agriculture Service's Market Access Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department relating to encouraging conservation, including the Conservation Stewardship Program, which the Government Accountability Office revealed in 2006 is duplicative of other USDA conservation efforts, including the Conservation Reserve Program, the Wetlands Reserve Program, the Farmland Protection Program, the Wildlife Habitat Program, and the Grassland Reserve Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to bioenergy promotion, including the Department of Energy's Biomass Program, the Department of Agriculture's Biomass Crop Assistance Program, the Biorefinery Program for Advanced Fuels Program, and the Biobased Products and Bioenergy Program, the Biorefinery Repowering Assistance Program, the New Era Rural Technology Competitive Grants Program, and the Feedstock Flexibility Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to alternative energy, including the Department of Energy's Geothermal Technology Program, Wind Energy Program, and the Solar Energy Technologies Program, and the Department of Agriculture's Rural Energy for America Program: the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department that provide food assistance to foreign countries, including the

USDA Foreign Agricultural Service, the food for Progress Program, the McGovern-Dole International Food for Education and Child Nutrition Program, the food for Peace programs, the Bill Emerson Humanitarian Trust, and the Local and Regional Procurement Projects; *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 4. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF COMMERCE.

Of the funds made available under Public Law 111-117 for the Department of Commerce, \$697,850,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with the Secretary of Agriculture to consolidate and reduce the cost of administering the programs administered by both Departments that provide rural public telecom grants, including eliminating USDA's grants to rural public broadcasting stations, as proposed by the President's FY 2010 budget, which duplicates the Department of Commerce's Public Telecommunications Facilities Program, and the Corporation for Public Broadcasting, which also receives Federal funding: *Provided further*, That no funding may be made available for the Hollings Manufacturing Extension Partnership Program, which duplicates the Small Business Administration's Small Business Development Centers and which has been found by the Office of Management and Budget to "only serve a small percentage of small manufactures each year": *Provided further*, That the Secretary shall work with the Secretaries of Housing and Rural Development and Agriculture to consolidate and reduce the cost of administering the programs administered by these Departments relating to Economic Development, including the following programs, the Economic Development Administration, the Community Development Block Grants, Rural Development Administration grants, the National Community Development Initiative, the Brownfields Economic Development Initiative, the Rural Housing and Economic Development grants, the Community Service Block Grants, the Delta Regional Authority, the Community Economic Development grants, and the Historically Underutilized Business Zone program: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 5. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF EDUCATION.

Of the funds made available under Public Law 111-117 for the Department of Education, \$3,213,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 30 Federal programs that provide financial assistance to students to support postsecondary education in the forms of grants, scholarships, fellowships, and other types of stipends, including the 15 such programs at the Department of Education, such as the Academic Competitiveness Grants, the TEACH grants, the Federal Supplemental Education Opportunity Grants, the

Leveraging Educational Assistance Program, the Javits Fellowships Program, Graduate Assistance in Areas of National Need program, as well as the three similar programs administered by the National Science Foundation, such as the Robert Noyce Teacher Scholarship program, as well as a program at the Department of Justice and one at the Health Resources Administration: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 69 Federal programs dedicated in full or in part to supporting early childhood education and child care, as outlined by the Government Accountability Office, which found that these 69 education programs are spread across 10 different agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 105 Federal science, technology, math, and engineering education programs, as outlined by the Academic Competitiveness Council, which found that these 105 education programs are spread across numerous Federal agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the numerous student foreign exchange and international education programs, including the at least 14 programs at the Department, including the American Overseas Research Centers, Business and International Education, Centers for International Business Education, the Foreign Language and Area Studies Fellowships, the Institute for International Public Policy, the International Research and Studies, the Language Resource Centers, the National Resource Centers, the Technological Innovation and Cooperation for Foreign Information Access, and the Undergraduate International Studies and Foreign Language Program, the State Department's Benjamin A. Gilman International Scholarship Program, the Boren National Security Education Trust Fund, and exchange programs administered by the National Science Foundation's Office of International Science and Engineering.

SEC. 6. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF ENERGY.

Of the funds made available under Public Law 111-85 for the Department of Energy, \$1,321,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal weatherization efforts, including Federal funding for State-run weatherization projects, the Department of Energy's Energy Conservation and Weatherization grants, as well as the Department of Energy's building Technologies Program, the LIHEAP weatherization efforts, the National Park Service's Weatherization and Improving the Energy Efficiency of Historic Buildings program, and the Department of Housing and Urban Development's Energy Innovation Fund: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various energy grant programs, including the Tribal Energy grant program, which overlaps with the Department's Energy Efficiency and Conservation Block Grants, and the Energy Start Energy Efficient appliance Rebate Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various vehicle technology programs at the Department, including the Vehicle Technologies program, the Advanced Battery

Manufacturing grants, the Advanced Technology Vehicles Manufacturing Loans Program, and the Innovative Technology Loan Guarantee Program.

SEC. 7. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Of the funds made available under Public Law 111-117 for the Department of Health and Human Services, \$4,116,950,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the programs that support nonresidential buildings and facilities construction, including the 29 programs across 8 Federal agencies identified by the Government Accountability Office. The Secretary, in coordination with the Secretary of HUD and USDA and other appropriate departments and agencies, shall consolidate duplicative programs intended to reduce poverty and revitalize low-income communities, including the HHS Community Services Block Grant, the HUD Community Development Block Grant, and USDA Rural Development program: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal programs, across multiple agencies, that funded childhood obesity programs, either as the main focus or as one component of the Federal program.

SEC. 8. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOMELAND SECURITY.

Of the funds made available under Public Law 111-83 for the Department of Homeland Security, \$2,205,000,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal homeland security programs, as identified by the Office of Management and Budget, which states that "a total of 31 agency budgets include Federal homeland security funding in 2010".

SEC. 9. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Of the funds made available under Public Law 111-117 for the Department of Housing and Urban Development, \$2,302,450,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal programs aimed at addressing homelessness, including the Supportive Housing Program, the Shelter Plus Care Program, the Single Room Occupancy Program, the Emergency Shelter Grant Program, programs at Health and Human Services such as the Basic Center Program, Projects for Assistance in Transition from Homelessness, and the Street Outreach Program, and also including the more than 23 housing programs identified by the Government Accounting Office that target or have special features for the elderly.

SEC. 10. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF INTERIOR.

Of the funds made available under Public Law 111-88 for the Department of Interior,

\$606,200,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the cost of administering the at least 11 historic preservation programs at the Department, including the 9 preservation programs at the Heritage Preservation Services, such as the Federal Agency Preservation Assistance Program, the Historic Preservation Planning Program, the Technical Preservation Services for Historic Buildings, as well as the Save America's Treasures Grant Program, the Advisory Council on Historic Preservation, and the Preserve America program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various climate change impact programs at the Department, including the Bureau of Indian Affairs office Tackling Climate Impacts Initiative, the U.S. Geological Survey's National Climate Change and Wildlife Science Center, the US Fish and Wildlife Service climate change initiatives, and the state and tribal wildlife conservation grants which are being provided to entities to adapt and mitigate the impacts of climate change on wildlife: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the dozens of invasive species research, monitoring, and eradication programs at the Department, including the eight programs administered by the US Fish and Wildlife Services, the similar programs administered by the Bureau of Land Management, the National Park Service, and the 4 Federal councils created to coordinate Federal invasive species efforts, the National Invasive Species Council, the National Invasive Species Information Center, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Aquatic Nuisance Species Task Force.

SEC. 11. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF JUSTICE.

Of the funds made available under Public Law 111-117 for the Department of Justice, \$1,385,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Attorney General in coordination with the heads of other Departments and agencies, shall consolidate Federal offender reentry programs, including those authorized by the Second Chance Act, the DOJ Office of Justice Programs Bureau of Justice Assistance Prisoner Reentry Initiative, the Department of Labor Reintegration of Ex-Offenders program, the Department of Education Lifeskills for State and Local Inmates Programs, and the HHS Young Offender Reentry Program: *Provided further*, That the Attorney General shall consolidate the four duplicative grant programs, including the State Formula Grant program, the Juvenile Delinquency Prevention Block Grant program, the Challenge/Demonstration Grant program, and the Title V grant program, administered under the Juvenile Justice and Delinquency Prevention Act and reduce the cost of administering such programs: *Provided further*, That the Attorney General, in coordination with the Secretary of Health and Human Services (HHS) and the Office of National Drug Control Policy (ONDCP), shall consolidate Federal programs that assist state drug courts, including substance abuse treatment services for offenders, such as the HHS Adult, Juvenile, and Family Drug Court program, the Substance Abuse and Mental Health Services Administration Drug Court Treatment Program, the DOJ Drug Court Program, the ONDCP National Drug Court Institute: *Provided further*, That the Attorney General shall eliminate the National Drug Intelligence Center (NDIC) which duplicates the activities of 19 other drug intelligence

centers and reassign any essential duties performed by NDIC.

SEC. 12. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF LABOR.

Of the funds made available under Public Law 111-117 for the Department of Labor, \$679,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the 18 programs administered by the Department and ten programs administered by other agencies that support job training and employment, such as the Adult Employment and Training Activities program, Dislocated Worked Employment and Training Activities, Youth Activities, YouthBuild, and the Migrant and Seasonal Farmers program and reduce the cost of administering such programs.

SEC. 13. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF STATE.

Of the funds made available under Public Law 111-117 for the Department of State, \$1,318,550,000 in unobligated balances are permanently rescinded: *Provided*, That in accordance with the President's FY 2010 budget, no funding may be made available for the Center for Cultural and Technical Interchange Between East and West, which duplicates the State Departments cultural exchanges: *Provided further*, That no funding may be made available for the Asia Foundation, which duplicates efforts at USAID and the National Endowment for Democracy: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 14. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TRANSPORTATION.

Of the funds made available under Public Law 111-117 for the Department of Transportation, \$1,090,500,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the costs of various duplicative highway programs, including the regionally specific development programs, the Federal-Aid Highway Programs under chapter I of title 23, United States Code, the Research programs authorized under title V of Public Law 109-59: *Provided further*, That the Secretary shall consolidate and reduce the costs of various rail-line relocation grant programs, including the Rail-Line Relocation and Improvement Capital Program, and the Highway-Rail Crossings Program, the Railroad Rehabilitation and Improvement Financing program.

SEC. 15. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TREASURY.

Of the funds made available under Public Law 111-117 for the Department of Treasury, \$677,650,000 in unobligated balances are permanently rescinded.

SEC. 16. RESCISSION OF UNSPENT AND UNCOMMITTED FUNDS FEDERAL FUNDS.

Notwithstanding any other provision of law, of the \$657,000,000,000 in Federal funds unobligated at the end of fiscal year 2009, the discretionary, unexpired funds available for more than 2 consecutive fiscal years, as of the date of enactment of this Act, are permanently rescinded.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we just heard the chairman of the Judiciary Committee, who is also chairman of the appropriations subcommittee, give the typical Washington talk on why we can't cut spending. In light of the fact there has been a 45-percent increase in his area of appropriations, we now can't come back and give 5 percent of that back to the American people.

Forty-five percent growth in 2 years, and we are picking winners and losers? We are not picking winners. The only winners we are picking are the American people.

The fact is, there hasn't been a major program eliminated by the appropriations subcommittee in 5 years. What they do is, once they are there, they are there forever, and nobody is willing to make the hard choices. That is typical of all the talk we will hear about why we can't cut \$120 billion from the expenditures for this year—\$120 billion out of \$3.4 trillion, and we can't come up with 5 percent. We can't find it.

We are giving you a way to do that. Everybody is going to get to vote, and we are going to send a message to the American people. At the rate we are growing the government, it will double in the next 5 years, and we can't find 5 percent, when they are having to make 10, 15, 20, and 25 percent cuts in their own budgets.

What we heard was the typical appropriations response: We work hard, let's save this for appropriations. The problem is it never happens because every bill, somewhere, has a small constituency—every program. We listed 640 programs that have duplication, redundancy, and inefficiency. Yet we hear an appropriations subcommittee chairman say: Oh, no, we can't.

Well, the American people don't get that. We ought to be about trimming the waste out of this government, and at a conservative estimate there is at least \$387 billion in waste, fraud, or duplication this year.

So we have the tremendous opportunity to come down here and deny the truth the American people know: This government is wasteful, it is not efficient, and most of the time it is not effective. When we try to make a commonsense, small cut after a tremendous growth over the last 2 years, we hear: No, we can't. No, we can't. We hear a sob story. We can't do it.

The fact is, we don't have a future unless we start cutting spending. The President even asked his staff to give him an option on the budget of a 5-percent across-the-board cut. We will hear tomorrow night about freezing discretionary spending. It is easy to freeze discretionary spending. We have just jumped it 27 percent across the board. But the freezing doesn't start until 2011. We are not going to freeze it until 2011. Our problem is today. The problem that our children are going to face is being manifested and made significantly harder because we are fearful to make commonsense cuts.

Mr. President, \$100 billion out of this \$120 billion comes from \$660 billion that is sitting in agencies that haven't expended it over the last 2 years—the \$660-some billion. We are saying, of those that haven't been spent, that hasn't been rolled out over the last 2 years, send \$100 billion back. It is easy. We are spending money so fast that the agencies can't even get it out the door. When they do get it out the door, it is ineffective and highly inefficient and loaded with fraud.

Why in the world would we reject making commonsense efforts just like everybody else in this country is having to make today? Why would we put in the perspective: Oh, we can't do these little things, from the Foreign Operations Subcommittee, when in fact our country is drowning in debt and the future for our children is in doubt? We cry crocodile tears over some little program somewhere that in the whole realm of things is either duplicated or highly ineffective. We want to keep every last one of them.

We just heard the chairman of the foreign ops subcommittee say we can't do any of this. They are way too valuable; we can't do it.

Well, what is more valuable, taking care of the next generation, embracing our heritage of sacrifice to create opportunity or satisfying a small interest group that is dependent on a government program that is both ineffective and inefficient and also has three or four other programs that do exactly the same thing?

The first component that we are going to vote on is a mandatory request of the GAO to tell us the duplication; tell us across agency lines where we are failing. What do we need to know? Nobody can tell us that today. When we asked the GAO—personally asked the GAO—they said the task is too big. Well, that ought to be our first signal that something is really wrong, when the Government Accounting Agency says the government is so big and convoluted that they can't tell us where we have duplication. They cannot give us recommendations on what to eliminate.

That ought to be our first signal to say time out, stop, cut some spending and let's see who squeals, and we will put back if we have made a mistake.

The American people understand, more than we do, what is at risk in the future. They want a secure future. They want the ability to plan for their children and their grandchildren. They do not want a fiat currency, which is what is coming if we do not rein in spending.

Most of my colleagues know that is the problem before us. The question is, will we have the courage to go after it. It would be different had we not had significant increases over the last 4 or 5 years in this country, in terms of the budget of the Federal Government. But it has doubled. We are going to have an increase in the debt limit for 1 year that is \$200 billion more than the en-

tire government spent in 1999. In 10 years we are going to borrow \$200 billion more than we spent—just to operate 1 year—than we spent in the entire budget in fiscal year 1999. Of every penny we spend this next year, 44 cents of it is going to be borrowed—\$4.4 billion a day.

What this amendment says is let's not make that so. It does not have to be so. Let's cut it to \$3 billion or \$3.3 billion of that. Let's save the future for our children.

I am reminded that hard things are hard. Habits are hard to break. The habit of Washington is to never have to make a hard choice. We heard a stellar representation by the Senator from Vermont about why things cannot change here—because everybody has a special little project, they want to protect. While they are protecting their special little project, they are forgetting about the country as a whole. That should not be the legacy we want to embrace. The legacy we ought to embrace is that we had the courage to make the hard, tough decisions at a time when it was called for. Now is that time. It is not 2011, it is not next month, it is not when the appropriations bills come, it is now.

Just think what would happen to the dollar tomorrow if the Senate cuts \$120 billion of discretionary spending that is wasteful and duplicated and is not going to make a difference in nary an American life. The signal it will send to the world is we are back on track. The value of the dollar will rise, the cost of oil will go down, the standard of living of consumers will go up, and every family this year will benefit to the tune of \$794, if we agree to this amendment.

I think the citizens of America are worth that. I know their children and grandchildren are worth it. The question is, will we carry up the courage? Will we meet the challenge that faces this country or will we continue the status quo because we have always done it this way? Doing it this way is exactly what put us \$12.4 trillion in debt; by this time next year \$14.2 trillion in debt. It is mortgaging and stealing the future of our children.

I look forward to seeing the outcome of the votes, and I know the American people do. This is the first time in a long time we have had a true vote on the floor to make a difference in what is going to happen in the finances of this country. My hope is we will not disappoint, again, the American people. I yield the floor.

Mr. COCHRAN. Mr. President, I agree with the Senator from Oklahoma that there is waste within government, that there is duplication or overlap of programs across some government agencies, and that the amount of spending approved for fiscal year 2010 was higher than it should have been given our Nation's fiscal situation. That is part of the reason why I opposed the fiscal year 2010 budget resolution.

But, I am not enamored of the approach that Senator COBURN has taken

in this amendment. It is an abdication of our constitutional duties as elected Members of Congress to cede such vast decisionmaking power to the executive branch. If there is \$120 billion to be cut from the budget, we should identify those cuts and vote on them. We should not let the President, a commission, or some other entity make those decisions for us.

Throughout the past year the Senator from Oklahoma and other Members offered amendments to cut spending from the budget resolution, appropriations bills, and other measures. Some of these amendments were adopted and some were not. I supported some of the amendments and opposed others. In each case, however, Senators knew what they were voting on and had some idea what the effect of the amendment would be. With this amendment we have no idea what its effect will be. The sponsor of the amendment says the impacts will be negligible but offers virtually no specifics. Perhaps he is correct. It is also possible that the President—whose priorities in many respects differ significantly from most Senators on my side of the aisle—will take the reductions mandated by this amendment from programs that my colleagues and I feel to be high priorities. It is possible that the President will fail to take the reductions from those programs we feel are most duplicative or wasteful.

We will likely never know the answers to these questions. This amendment will not be enacted. I agree that Federal spending must be constrained. As we go forward, however, I hope the Senate will take a more transparent approach to deficit reduction so that Senators, consistent with their constitutional responsibilities, can make informed decisions about the operations of the Federal Government.

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

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

Mr. COBURN. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coburn amendment, Division I.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—94

Akaka	Ensign	McCain
Alexander	Enzi	McCaskill
Barrasso	Feingold	McConnell
Baucus	Feinstein	Menendez
Bayh	Franken	Merkley
Begich	Gillibrand	Murkowski
Bennet	Graham	Murray
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Nelson (FL)
Bond	Hagan	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Brownback	Hutchison	Risch
Bunning	Inhofe	Rockefeller
Burr	Inouye	Sanders
Burr	Isakson	Schumer
Cantwell	Johanns	Sessions
Cardin	Johnson	Shaheen
Carper	Kaufman	Shelby
Casey	Kerry	Snowe
Chambliss	Kirk	Specter
Coburn	Klobuchar	Kohl
Cochran	Kohl	Stabenow
Collins	Kyl	Tester
Conrad	Landrieu	Thune
Corker	Lautenberg	Udall (CO)
Cornyn	Leahy	Udall (NM)
Crapo	LeMieux	Vitter
DeMint	Levin	Whitehouse
Dodd	Lieberman	Wicker
Dorgan	Lincoln	Wyden
Durbin	Lugar	

NOT VOTING—6

Byrd	Roberts	Warner
Mikulski	Voinovich	Webb

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 0. Under the previous order requiring 60 votes for the adoption of this division, the division is agreed to.

The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent that the next three votes be 10-minute rollcalls.

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

AMENDMENT NO. 3303, DIVISION II

The PRESIDING OFFICER. There will now be 6 minutes of debate, equally divided, on Coburn division No. II. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment rescinds our increase for our operations. We increased our budget 5.8 percent at a time when there was no inflation last year, zero. The year before that, we had increased our budget in excess of 10.9 percent, which means we effectively increased our own budgets to run our own operations 17 percent in the last 2 years, with less than 1 percent inflation over that period. If, in fact, we can't lead by example to cut our own budgets to help the country move out of the problem it is having, it is probably because we are not very good managers of our own budgets, which belies the problem we now face. I appreciate support on this amendment. The American people would sincerely appreciate support on this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the amendment being offered by the Sen-

ator from Oklahoma affects the legislative branch. It is true it affects Members of Congress in their offices, but it affects much more. We just had an overwhelming vote to give new responsibilities to the Government Accountability Office. The next amendment up calls for cutting their budget. I would say to the Senator from Oklahoma, you can't have it both ways. You give new responsibilities to these agencies and then say: We will give you less money to do it.

Let me suggest something else. When you start to leave this evening to go home and you drive by the gate out here and you see, in the dark, men and women in uniform risking their lives for us and for the visitors to the Capitol, remember this vote. This vote cuts funds for the Capitol Police and security in the Capitol. When the Senator from Oklahoma was asked earlier, are you asking for too much in cuts, he said: I want to keep cutting until they squeal. What will be the squeal we hear when it comes to security from the Capitol? I am sorry to say it might be an incident that none of us wants to see.

We want this to be a safe place. The Capitol Visitor Center has more and more people coming in. Cutting security for the Capitol at this point in time with the threats facing our Nation and the fact that we work in one of the biggest targets in America is very shortsighted. That is what happens when you cut across the board and you don't take a look at the individual agencies involved. Please, for the security of the Capitol and for the security of the people who visit it, vote no on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, it is remarkable what length we will go to defend our budgets. The fact is, the assumption Senator DURBIN made is that we are efficient. The fact is, we are not. Everybody in here could turn back at least 10 percent of their budget if they ran their office efficiently. We know that. Nothing in Washington is run efficiently. So to say we can't do it without putting ourselves at risk is poppycock. It is time for us to lead. Now is the time.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. One thing I forgot to mention. Members of Congress voluntarily forgo every cost-of-living adjustment each year. We decided not to ask for a cost-of-living adjustment because we are in hard times. To suggest that sacrifices are not being made is not accurate. I urge my colleagues, vote against this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the Coburn Amendment, Division No. II.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 46, nays 48, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—46

Alexander	Ensign	Lincoln
Barrasso	Enzi	Lugar
Bayh	Feingold	McCain
Bennet	Graham	McCaskill
Bennett	Grassley	McConnell
Brownback	Gregg	Murkowski
Bunning	Hagan	Risch
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Udall (CO)
Corker	Klobuchar	Vitter
Cornyn	Kohl	Wicker
Crapo	Kyl	
DeMint	LeMieux	

NAYS—48

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bingaman	Harkin	Pryor
Bond	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (NM)
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

NOT VOTING—6

Byrd	Roberts	Warner
Mikulski	Voinovich	Webb

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 48. Under the previous order requiring 60 votes for the adoption of this division, the division is withdrawn.

AMENDMENT NO. 3303, DIVISION III

There will now be 6 minutes of debate equally divided on Coburn division III. Who yields time?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we are going to hear why we cannot do this, kind of along with the debate we just heard from the majority whip. But here are some examples for you. This is what the GAO found.

In 2005, 13 different Federal agencies spent \$3 billion to fund 207 programs to encourage students to enter the field of math and science. Mr. President, 207 different programs, and we are going to vote against eliminating them here in just a minute.

In 2003, \$30 billion was spent on 44 job-training programs administered by 9 different Federal agencies. Fourteen departments within the Federal Government, 49 independent agencies operate exchange and study abroad programs. So 14 departments, 49 independent agencies operate exchange and study abroad programs; 69 early education programs administered by 9 different agencies; 23 Federal housing programs that target or have special features for the elderly operated by 6 different agencies.

That is just a minimal number.

We are going to hear why we cannot do this. The American people are wanting to know when we are going to do what is right, what is possible, and what is best for the long term, not the short term.

With that, Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, the Senator from Oklahoma proposes to cut \$20 billion from programs which he describes as being redundant. Well, take, for example, nursing. There are three different programs. They are not redundant. One is for education; another is to train women and men to go to rural areas, rural America, to serve; and the third is for research. Yes, three different agencies handle that. It is for three different purposes.

Then you have HUD. One of the sad facts of life is that tonight 658,000 American men, women, and children are going to go to bed homeless, some of them with empty stomachs, some without blankets, and we are going to cut 5 percent from housing for the homeless? This amendment does that.

Then you have cuts for foreign operations. Senator LEAHY spent some time this afternoon explaining why this is foolish. We had an accounting change because now we cover State Department activities in Afghanistan and Iraq.

I think it is ill-advised to do what the Senator proposes because these are not redundant. These are not wasteful. I think we could be spending more for the homeless, but yet we are cutting this by this amendment. I hope we reject this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what the American people are asking is, Why aren't the three nursing programs combined so you have one set of overhead to administer all three programs? That is what they are asking. This does not cut any money for the homeless. What it says is, put all the homeless programs under one set of administration where we save money and are much more effective at what we are doing because we are concentrating it within one area. We can have all sorts of reasons why we cannot do it. Let's find the courage to do it for the American people and the kids who follow.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the Coburn amendment, Division III.

Mr. COBURN. 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 West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—33

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bayh	Ensign	McCain
Bennett	Enzi	McCaskill
Brownback	Graham	McConnell
Bunning	Gregg	Risch
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker

NAYS—61

Akaka	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Bond	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Kohl	Snowe
Casey	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Whitehouse
Durbin	Lugar	Wyden
Feingold	Menendez	
Feinstein	Merkley	

NOT VOTING—6

Byrd	Roberts	Warner
Mikulski	Voinovich	Webb

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 61. Under the previous order requiring 60 votes for the adoption of this division, the division is withdrawn.

AMENDMENT NO. 3303, DIVISION IV

There will now be 6 minutes for debate equally divided on Coburn Division No. IV.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, last year Federal agencies ended the fiscal year with \$657 billion in unobligated balances. There is no question a great deal of that is associated with the war efforts and other things, but according

to OMB and CBO, approximately \$100 billion of that has been sitting for 2 years or longer, never having been obligated for what we have directed it to. So we have \$100 billion sitting out there that the agencies have not been able to spend. Obviously, if they haven't been able to spend it in the last 2 years, it is not a priority. If, in fact, we rescind that money to the Treasury, we will cut our deficit \$100 billion, and then we can reappropriate what is necessary for this year. The rule in the Federal Government is after 2 years it is supposed to go back to the Treasury anyway, which is not being enforced for everybody except the Treasury Department. They are under that obligation.

So here is an opportunity—it doesn't affect anything because the money hasn't been obligated—to put it back in and start over and reprioritize. That is all it is about. It will actually move \$100 billion back and then our appropriators can decide whether they want to put that back this year.

I appreciate your consideration on this amendment, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields?

The Senator from Hawaii.

Mr. INOUE. Mr. President, this is a very serious amendment. Potentially it could be damaging. It says, very simply, if the funds are not obligated for 2 years, then it is rescinded. It sounds reasonable, but I think it is no secret it takes longer than 2 years to build a battleship. It takes more than 2 years to build an aircraft carrier. It takes more than 2 years to build a hospital. Right now, there are 43 VA hospitals being built. Are we going to cut them out? What about the shipbuilding industry? Are we going to rescind that?

This amendment has potentially very dangerous consequences. I hope my colleagues will vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the dangerous consequences facing this Nation aren't as outlined by the chairman of the Appropriations Committee. The dangerous consequences facing this Nation are continued spending and borrowing from the next generation and a creditworthiness that is not going to even be BBB. There is no question there is danger before us. It is not this amendment. It is the continuing efforts on the part of those who are in Washington to not recognize the fact that we are wasting money hand over fist and, in fact, we appropriate yearly on many of these projects. So it will not eliminate any as outlined by the chairman. It will give us a chance to reprioritize, which every family in America is doing today.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is such a second.

All time is yielded back.

The question is on agreeing to the Coburn amendment, Division IV.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 37, nays 57, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—37

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bayh	Feingold	McConnell
Bennett	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

NAYS—57

Akaka	Feinstein	Menendez
Baucus	Franken	Merkley
Begich	Gillibrand	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Bond	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burr	Kerry	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Whitehouse
Durbin	McCaskill	Wyden

NOT VOTING—6

Byrd	Roberts	Warner
Mikulski	Voinovich	Webb

The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 57. Under the previous order, requiring 60 votes for the adoption of the division, the division is withdrawn.

The Senator from Kansas is recognized.

AMENDMENT NO. 3309 TO AMENDMENT NO. 3299

Mr. BROWNBACK. I think under a previous agreement I was to call up an amendment. I ask that my amendment be called up, No. 3309, which is at the desk.

The PRESIDING OFFICER. The pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3309 to amendment No. 3299.

Mr. BROWNBACK. 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 printed in today's RECORD under "Text of Amendments.")

Mr. BROWNBACK. Mr. President, I ask unanimous consent to add the following members as cosponsors to the amendment: Senators CHAMBLISS, ENSIGN, and VITTER.

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

Mr. BROWNBACK. Mr. President, as I understand, there are no further votes this evening, and there will not be votes tomorrow. We will have this up Thursday, and we will debate it then and vote on it. I will put in somewhat of a statement tonight and then talk about it further on Thursday.

This is a commission that has been in front of this body several times. We voted on it. It passed this body twice before in the budget debates. It is CARFA, the Commission on the Accountability and Review of Federal Agencies.

It is modeled exactly after the Base Realignment and Closure Commission, the BRAC, that has been so successful on closing military bases and consolidating assets and put the military in a better position. This is the same thing. It is to all of government. It has been voted on by this body twice before. It has passed this body. It is done in the budget agreement. It is time it became the law of the land.

That is the process whereby we can actually cut government spending. It is a simple process—eight members on the Commission, four appointed by this body, four appointed by the House. For any recommendation to move forward, it has to pass by six of eight members, so either party cannot dominate or determine it. It has to be six of eight. It will take one-fourth of the government each year for 4 years and review that fourth of the Federal Government and make recommendations for closure during that year's period of time.

The report for that year then is submitted to the appropriate committees of jurisdiction for a period of 30 days. They can review the report. They can hold hearings on the CARFA commission recommendations for a period of 30 days. They can look it over and see which ones they like, which ones they do not like, but they cannot amend it.

At the end of that 30 days, it is then subject to a privileged motion to come in front of this body so it has to be voted on by this body with a limit of 10 hours of debate prior to going to the motion, 10 hours of debate on the bill itself. It cannot be amended. Then it is an up-or-down vote, with a 50-vote threshold of passage. It is a privileged motion that comes in front of this body, with a majority vote for it to pass through this body.

This is the way we will get spending under control and done. This is an agreeable way. It is a way that has proven itself in the past. Now is the time we have to do this.

I wish to show one chart that is new out today. It is no new news, unfortunately. This one is new out today. This

is the projection of our Federal debt as a percentage of GDP. That is the one to watch, the projection of the Federal debt as a percentage of GDP.

We can see what the January 2008 estimate of the Federal debt as a percentage of our economy was supposed to be. Here is the percent of the economy. We are pushing up 38 percent or so at this point in time. In January 2008, this starts bending back down and moves to 20 percent by 2020. Then we had the January 2009 estimate come in. We see there we were getting up to mid-50 percent, and then it was going to bow back down to 41 percent. That was last year's 2009 estimate.

This year, just out today—this is the estimate—2010 as a percent of the economy, we are looking at our Federal debt as being midsixties, 67 percent, and staying at that level for the debt as a percentage of the economy. These are terrible numbers. They are way too high. They are stifling the economy. It is a nonsustainable position, and it is something we have to fix.

Earlier today, we considered a commission that had both spending and taxes in it. The American public is not for more taxes. They think they are taxed out, and I believe they are too taxed. They should not be taxed more. They do want us to cut spending. There is no question about that. They want us to cut it prudently. They want us to cut in wasteful, duplicative areas. That is what they want to get at. They want core programs clearly taken care of. That is why we put it to a bipartisan commission of individuals to look at. The recommendation has to clear six of eight members so no party can control—four appointed by Republicans, four appointed by Democrats—examined by the committees and then put forward for a vote. This can work. This is what the public wants us to do. It is time to do it.

We have to start bending this down, the debt to GDP. This is dangerously high. It has not been this high since World War II. We cannot sustain it. We have to pull it back down. I would love us to start to cut spending and go through the committees and say we are going to cut here, we are going to cut there. We have not been able to do that under Republican or Democratic control of either branch of government. We have not been able to go at that on an individual basis.

This is a system that has worked in the past. This is a system that this body has approved in the past. It has been in budget agreements. We have not made it all the way through in the budget agreement, but Members in this body have voted on this system for controlling spending.

If people want to come back later and say: We want to look at other provisions or we want to add something back, they can do that in future conferences. But this gets that culling process going.

I wish to point out one issue to my colleagues about the problem of run-

ning high debt and its impact on the economy. If the Federal Government runs a high debt level, it has a drag on the economy. There is a recent study just released at an American Economics Association meeting. The title of the study is "Growth in a Time of Debt." It said, according to the study, that the sharp runup in public sector debt will likely prove one of the enduring legacies of the 2009 financial crisis in the United States and elsewhere. The study looked at debt levels of 44 countries and included data over the last 200 years in order to get the most comprehensive picture possible, the picture of debt on economic growth.

What does this big lug do to the overall economy? Does it have an impact? They said, clearly, yes.

The conclusion is clear: Very high government debt, classified as 90 percent or more of gross domestic product, results in average growth rates a full 4 percent below countries with lower debt levels. Since annual growth rate and GDP is averaged considerably less than 4 percent over the last 10 years in the United States, carrying high national debt can mean the difference between a growing economy and a contracting economy.

After the recent binge of Federal spending, our Nation's gross debt could well surpass the 90 percent of GDP mark and go even above that, to the point that could be the lug on the economy that keeps us from growing and actually puts us in a contracting economy.

I urge my colleagues or members of the Senate staff to look at these studies and look at the impact of debt on economic growth. This could end up being the real lug of what happens during this period of time.

CARFA is a bipartisan mechanism that can work us out of this situation. It pushes at the places we actually can cut and need to cut. Everybody in this body believes, and I believe, there are clear places in the Federal Government we can cut. For one reason or another, they have become sacred cows and we have not been able to cut them. This is a process that has worked on military bases before.

I will talk more about this amendment when we vote on it on Thursday. I ask my colleagues, in the interim day, when we have a chance to look at some of these things, to examine this process. It is one they have seen before. I have proposed this bill for 10 years. They voted on it before, as I stated earlier. I urge them to look at this and think: Now is the time to do this. Maybe they had reservations about it in the past or thought: I don't think we want to go into that sort of mechanism now. But there is not another mechanism that works. This changes the mechanism for spending in a way that has worked in the past and, clearly, with these sort of debt numbers, the time has come to do it.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, we are now debating a resolution that would raise the Federal debt ceiling, allowing the Federal Government to borrow enough money to meet its obligations. I doubt anyone in this Chamber is happy at the prospect of approving another such increase. I know I am not. Yet we must approve it. Failure to pass this resolution would do incalculable harm to our government's standing with financial markets and endanger nearly every activity the government undertakes. It would throttle the faint, fragile signs of recovery from the deepest financial crisis in 75 years. Refusal to pass this resolution is not an option. It would be irresponsible and dangerous to the jobs and income of every American.

Yet the magnitude of this action is staggering. If successful in this necessary endeavor, we will authorize the Treasury to carry more than \$13 trillion dollars in debt. That is more than \$42,000 for every man, woman, and child in the United States.

While the debt itself is enormous, the rate to which we have been adding to it in recent years is equally staggering. The year President Clinton left office, the government ran a \$236 billion surplus. Yet, after 8 years of Republican leadership, that surplus evaporated into a mind-boggling \$1.3 trillion deficit the day President Obama took office.

The message of these numbers is simple: We cannot go on as we are. If we do not change our budget policies, and change them a great deal, we will plunge our economy into deep depression.

Discretionary spending and nondiscretionary spending alike must be addressed. While some have successfully politicized earmark spending and discretionary spending programs, good and bad alike, the simple fact is that merely addressing these issues will not balance our budgets.

In addition to meaningful spending reforms, we must also engage in meaningful revenue reforms. The Bush-era tax cuts have already added trillions to our debt. Most should not be renewed. We also should end loopholes that allow corporations to hide income in offshore entities and people to hide their assets and income overseas.

But the fact is that most of our budget choices are not easy. And it is precisely because these choices are so difficult that we find ourselves where we are now. So it is worth considering how we got into this situation and how we might get out of it and whether the amendment to this resolution to be offered by Senators CONRAD and GREGG presents a possible solution.

First, let me respond to those who seem to have just recently discovered the importance of the Federal debt. Many of the people bemoaning budget deficits today are the same people who advocated a series of policies under the previous administration that added

greatly to our deficits, including enormous tax cuts mainly for the wealthiest. No effort was made to pay for that policy or the two wars. They were financed by debt.

In fact, to the extent that our budget outlook is significantly worse at the end of this decade than it was in the beginning, decisions by the previous administration are by far the biggest contributor to the problem. In parceling out the blame for our massive deficit, one expert said, the Obama administration "is like a relief pitcher who enters a game in the fourth inning trailing 19-0 and allows another run to score. The extra run is nothing to cheer about, of course, but fans should be far angrier with the starting pitcher."

However we reached this point, it is our responsibility now to address the consequences of failing to act. That is why I believe the amendment offered by Senators CONRAD and GREGG is worthy of consideration.

Briefly, they propose to establish a task force to recommend changes to our budget policies to address our long-term fiscal crisis. The task force would consist of 18 members: 16 Members of Congress, equally divided between House and Senate and majority and minority, and 2 administration officials, the Treasury Secretary and another Presidential appointee. Recommendations would require approval of 14 of the commission's 18 members. Those recommendations would be referred to the Budget Committee and other committees of jurisdiction in each Chamber and then move automatically to floor votes in each Chamber, where passage would require a three-fifths vote.

There is much to recommend this approach. Our fiscal problem is so large partly because it is so politically difficult to address. Repairing our finances will require some combination of spending cuts and tax increases, and spending cuts and tax increases are rarely politically popular. The use of a task force to recommend difficult but necessary choices for the common good has been successful in the past, in several rounds of military base closings and with the Greenspan Commission on Social Security reform in 1983.

But this approach is not without flaw. One is the structure of the task force, which would include two executive branch appointees.

Some have argued that the legislative commission must include members from the executive branch to achieve Presidential buy-in on the commission's proposal. And I agree that gaining the support of the administration is vital in this effort. But in seeking that buy-in, I do not believe it is either necessary or proper to give executive branch officials votes, which are potentially decisive votes, on recommendations that would bypass the Senate's rules and procedures. The proper way to achieve Presidential buy-in is through Presidential communication

and consultation and the threat of an actual Presidential veto of a task force proposal, if passed by the Congress, if it is objectionable to the President. The appropriate buy-in before Congress acts could also be advanced with ex officio membership for the two executive appointees.

I was pleased that the task force proposal we are voting on today no longer gives the task force power to recommend changes to the Standing Rules of the Senate. That is a welcome change from its prior iterations. Successfully tackling our fiscal crisis will require far-reaching legislation, and procedural hurdles in both chambers make passing any far-reaching legislation extraordinarily difficult. But any permanent procedural changes in our rules should be made by the Members themselves in each Chamber and not through this process.

Despite my reservations, particularly about voting membership for executive branch officials on a congressional commission that has the power to bypass the normal rules of our body for consideration of its recommendations, I believe Senators CONRAD and GREGG have offered a way forward. Their 60-vote requirement for positive congressional approval of the task force's recommendations does significantly protect congressional prerogatives. It also is clear that our current political climate and ways of doing business have been unequal to the task. Addressing our deficit requires bold action. The consequences of failure to act are too severe for us to miss this chance to act. I will vote for the Conrad-Gregg proposal.

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

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

EXECUTIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 641, the nomination of Ben Bernanke.

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

NOMINATION OF BEN S. BERNANKE TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The legislative clerk read the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

CLOTURE MOTION

Mr. DURBIN. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System.

Christopher J. Dodd, Tom Udall, Edward E. Kaufman, Mark R. Warner, Patty Murray, Robert P. Casey, Jr., Paul G. Kirk, Jr., Daniel K. Inouye, Robert Menendez, Tim Johnson, Jack Reed, Debbie Stabenow, Tom Harkin, Max Baucus, Jon Tester, Joseph I. Lieberman, John D. Rockefeller IV.

Mr. DURBIN. I ask unanimous consent that the mandatory quorum call be waived.

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

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

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.

REMEMBERING DELIA MARTINEZ

Mr. REID. Mr. President, I rise today to honor Ms. Delia Martinez of Henderson, NV, who on January 19, 2010, passed away at the age of 61. Ms. Martinez was a dedicated public servant who volunteered countless hours of service to communities around the State of Nevada.

Ms. Martinez was born in Mexico City to U.S. Foreign Service officer Charles Coop and his wife Concepcion Martinez. When Delia was 7 years old her family moved to Nevada, where she would spend the rest of her life. After graduating with honors from Rancho High School in Las Vegas, Ms. Martinez went on to receive a degree in business management from the University of Nevada Reno in 1972.

From an early age, Delia was attracted to the ideals of justice and equality for all. As a high school student, she became actively involved in the civil rights movement, and worked diligently to this end all throughout her life. Ms. Martinez later enjoyed the opportunity to act on the passion for equality she had obtained earlier in life, when she became the first Hispanic female executive director of the Nevada Equal Rights Commission. In

this position, which she held for over 10 years, Ms. Martinez honorably served the citizens of Nevada by overseeing the State's pursuit to ensure equal employment opportunities.

After her retirement from the professional world Ms. Martinez began serving in several organizations including the Henderson Democratic Club, *Si Se Puede*, the Clark County Hispanic Democratic Caucus, Clark County By-Laws Committee and the Clark County Democratic Black Caucus. Ms. Martinez understood the necessity of improving her community through public service and advocacy. For this reason, it is no surprise that she went on to serve in various leadership positions in many community-based groups. At the time of her passing, Ms. Martinez was serving as the president of the Henderson Democratic Club, treasurer of the Clark County Democratic Hispanic Caucus, and corresponding secretary for *Si Se Puede*.

Along with her dedication to serving her community, Ms. Martinez will also be remembered for the overwhelming love she had for her family. Ms. Martinez was married to Glenn Phillips with whom she raised their beloved son Benjamin. Prior to the birth of her child, she mentored four nieces and nephews, inspiring them to become active community leaders in Nevada. Ms. Martinez is preceded in death by her parents and is survived by her husband, son, sister, and a large extended family throughout southern Nevada and across several States.

I am humbled today to offer my profound gratitude to Ms. Martinez for her life of service to the citizens of the great State of Nevada, and with equal humility offer my deepest condolences to Ms. Martinez's family.

RECOGNIZING THE EFFORTS OF PROJECT C.U.R.E.

Mr. JOHNSON. Mr. President, today I wish to speak in recognition of PROJECT C.U.R.E. and its efforts to improve health care infrastructure in developing countries. PROJECT C.U.R.E. has been bringing customized medical relief to those in the developing world since its inception in 1987. In 2008 alone, PROJECT C.U.R.E. delivered nearly \$40 million worth of supplies to more than 100 health care facilities throughout the world.

PROJECT C.U.R.E. representatives conduct needs assessments at prospective sites to determine unique, appropriate medical supply and equipment needs. Follow-up accountability assessments provide necessary training and ensure that donated medical supplies and equipment are operating and being used properly. The organization focuses more than 98 percent of funds on program delivery. For every nickel given to PROJECT C.U.R.E., they provide a dollar's worth of services; that is an impressive 20-to-1 return on investment.

PROJECT C.U.R.E. would not be successful if it were not for the grassroots

efforts of volunteers throughout the United States, including participants in my home State of South Dakota. Doctors, medical professionals, housewives, businessmen, and average citizens in the Black Hills have come together to donate supplies and used medical equipment to be reprocessed, re-sterilized, and sent to where there is the greatest need. The local Wal-Mart facilitated these efforts by donating the transportation of the goods from Rapid City, SD, to the PROJECT C.U.R.E. warehouse in Centennial, CO.

In 2004, the Rapid City Regional Hospital had an ultrasound machine that was 1 year past meeting U.S. standards but was still perfectly functioning. The hospital was weeks away from sending it to the landfill when they heard about PROJECT C.U.R.E. Rather than waste away in the landfill, this \$75,000 machine was sent to Malawi where it is still being used today. There are many similar success stories and countless individuals that have benefited from these efforts.

Once again, I commend the volunteers and staff of PROJECT C.U.R.E. for their generosity, dedication, and hard work. I wish them well as they continue their mission "to identify, solicit, collect, sort and deliver medical supplies and services according to the imperative needs of the world."

VISION REHABILITATION

Mr. BROWN. I rise today to recognize the importance of vision rehabilitation services for vision-impaired Americans.

There are more than 25 million Americans who have trouble seeing—even when aided by glasses or contact lenses. Over 1 million are legally blind and over 3 million have low vision or partial sight.

This disability strikes Americans from all walks of life: the young and old, the poor and rich, urbanites and rural-dwellers.

Among Ohioans over the age of 40, there are more than 40,000 blind people, more than 90,000 suffering from age-related macular degeneration, more than 170,000 suffering from diabetic retinopathy, and nearly 100,000 with glaucoma.

Vision rehabilitation services help vision-impaired Americans restore function and live independent lives.

Whether it is learning to read Braille or use assistive computer technology, travel safely or take care of the home, meet career objectives or enjoy leisure activities, vision rehabilitation services help vision-impaired people cope with and overcome their disability.

These critical services are provided by occupational therapists—who can earn a specialty certificate in low vision—and vision rehabilitation professionals—who include low vision therapists, orientation and mobility specialists, and vision rehabilitation therapists.

These health care providers are uniquely qualified to serve the vision-impaired and have made a profound difference in millions of lives.

Take, for example, Laurine, an 84-year-old from the Cleveland area in my State of Ohio.

Laurine went blind 5 years ago due to macular degeneration. After decades of living independently, Laurine suddenly needed help with basic activities of daily living and had to go into an assisted living facility.

Laurine wanted to regain her independence, so she took advantage of services from the Cleveland Sight Center, a nonprofit organization providing vision rehabilitation.

She had orientation and mobility training, and relied on Susie Meles, a vision rehabilitation specialist, to learn how to cook her own meals, do her laundry, and even sew.

Today, Laurine is living happily and independently in Strongsville, OH.

There is also the story of Nicole, a 32-year-old from Ohio.

Nicole has been totally blind since she was 2 years old.

Like Laurine, she came to rely on the orientation and mobility specialists and vision rehabilitation therapists at the Cleveland Sight Center for help learning how to travel to school and later to work, how to read Braille, and how to use special computer software and adaptive aids.

Today, Nicole is a self-employed music therapist living with her husband in South Euclid, OH.

These are two of the many success stories produced every year at the Cleveland Sight Center.

However, the work of the Cleveland Sight Center and other vision rehabilitation organizations across the country is hindered by a lack of reliable funding.

Clients are often unable to pay for the services themselves. And while some disability and workers' compensation insurance policies cover the costs, very few health insurance policies do.

Public insurers like Medicare and Medicaid do not reimburse for vision rehabilitation services when they are performed by a vision rehabilitation specialist, despite the fact that they are accredited by the Academy for Certification of Vision Rehabilitation and Education Professionals, a national body.

Medicare is currently testing a low-vision demonstration project in four States and two cities that allows vision rehabilitation professionals to be reimbursed for their services when supervised by a physician.

I am hopeful that this demo will illuminate the importance of making vision rehabilitation services—and the diagnostic evaluations by optometrists and ophthalmologists that prompt it—a guaranteed Medicare benefit.

I am also supportive of including vision rehabilitation services in the health plans that will be offered in the new exchange set up by the health reform bill.

These are long-term goals. As an original member of the Congressional

Vision Caucus, I realize that we will not achieve all of these objectives overnight. But I know supporting the work of vision rehabilitation practitioners and providers like the Cleveland Sight Center is the right thing to do. And I am confident that we will succeed.

NEGRO LEAGUES BASEBALL MUSEUM'S 20TH ANNIVERSARY

Mrs. McCASKILL. Mr. President, I ask the Senate to join me in honoring the 20th anniversary of the Negro Leagues Baseball Museum in Kansas City, MO.

This Friday's Legacy Awards, honoring Major League Baseball's brightest stars, kicks off what promises to be a season's worth of events marking the 90th year of the establishment of the Negro Leagues, and the 20th anniversary of the Negro Leagues Baseball Museum. As a Missourian, I am proud that Kansas City is home to what is not only a local jewel but a National treasure which honors the Negro Leagues, its legendary players, and its place in the American civil rights movement.

In 1920, Andrew "Rube" Foster established the Negro Leagues at the Paseo YMCA in Kansas City. The Leagues flourished from 1920 through well into the 1950s. Once forward-thinking baseball executives signed such standout African-American players as Jackie Robinson and Roy Campanella, interest in the Negro Leagues began to wane. By 1960, as the civil rights movement gained momentum and the best players found their rightful place in the Major Leagues, the Negro Leagues finally folded.

In its heyday, the Negro Leagues was a firmly entrenched and beloved part of African-American culture in Kansas City and throughout the upper Midwest, Northeast, and Southern regions of the United States. The museum's Bob Kendrick tells us that many ministers would start church services early on Sundays when the Kansas City Monarchs had a home game on the calendar. Men, women, and children would leave right after church just in time to get to the ballpark, dressed in their Sunday finest, to watch the game. It was the highest level of competition, and players like "Cool Papa" Bell, "Satchel" Paige, and Josh Gibson always made the game exciting.

Kansas City's beloved Buck O'Neil, a former Negro Leagues player, Monarchs' manager and Major League Baseball's first African-American coach, helped establish the Negro Leagues Baseball Museum in 1990. Back then it was a tiny one-room office in the historic 18th & Vine District in Kansas City. Its mission—the same as it is today—was to preserve and celebrate the history of African-American baseball.

As chairman of the board, Buck O'Neil and his crew took the job seriously, working hard to raise money, acquire what curator Dr. Raymond Doswell has turned into an amazing

collection of original memorabilia, and bring worldwide attention to the museum. By 1997, the museum was robust enough to move into its current 10,000 square foot home at 18th & Vine, where today the story of the Negro Leagues comes to life through its exhibits.

Over time, the museum has had the privilege of welcoming visitors from around the world, and such dignitaries as U.S. Presidents Bill Clinton and George W. Bush. The museum's National Advisory Board is flush with prominent individuals from the worlds of sports, politics, and the media, all of whom have come to recognize the important role the Museum plays in telling the story of civil rights, sports, and culture in 20th century America. George Will, Ernie Banks, Colin Powell, Lou Brock, former U.S. Senator Alan Simpson, and noted documentary producer Ken Burns are all members of this amazing group of supporters.

In many ways this museum is Buck O'Neil's legacy. Buck, 94 years young at the time of his death in 2006, left a permanent inspirational mark on the game of baseball and all who were fortunate enough to have crossed his trailblazing path. Kansas City—and America—are fortunate to call him our own.

On this the 20th anniversary of the Negro Leagues Baseball Museum, I ask that we pause for a moment to pay tribute not only to Buck O'Neil, but to the many unsung African-American baseball heroes who helped the Negro Leagues flourish until the better instincts of baseball executives ultimately made the need for such a league obsolete. This remarkable chapter of American history will be preserved forever thanks to the Negro Leagues Baseball Museum.

Mr. President, I ask that the Senate join me in recognizing the 20th anniversary of the Negro Leagues Baseball Museum, a truly American treasure.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2949. An act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4430. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations; Subpart X—Interpretations of Statutory and Regulatory Provisions" (7 CFR Part 400) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4431. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Daily Economic Loss Assistance Payment Program" (RIN0560-A107) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4432. A communication from the President of the United States, transmitting, pursuant to law, an Executive Order issued on January 16, 2010 relative to the augmentation of the active Armed Forces for the effective conduct of operational missions, including those involving humanitarian assistance, related to relief efforts in Haiti necessitated by the earthquake on January 12, 2010; to the Committee on Armed Services.

EC-4433. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure" (Docket No. 1379) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4434. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Custody of Funds or Securities of Clients by Investment Advisers" (RIN3235-AK32) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4435. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule Regarding Principal Trades with Certain Advisory Clients" (RIN3235-AJ96) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4436. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-4437. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "National Credit Union Share Insurance Fund Premium and One Percent Deposit" (RIN3133-AD63) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4438. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Organization and Operations of Federal Credit Unions; Underserved Areas (IRPS 08-2)" (RIN3133-AD48) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4439. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Prompt Corrective Action; Amended Definition of Post-Merger Net Worth" (RIN3133-AD43) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4440. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues" (Docket No. R-1368) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4441. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Shareholder Approval of Executive Compensation of TARP Recipients" (RIN3235-AK31) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4442. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HOPE for Homeowners Program; Statutory Transfer of Program Authority to HUD and Conforming Amendments to Adopt Recently Enacted Statutory Charges" (RIN2502-AI76) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4443. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-8107)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4444. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-8103)) received in the Office of the

President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4445. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4446. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4447. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4448. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act" ((44 CFR Part 206)(Docket No. FEMA-2009-0007)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4449. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's 2010 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-4450. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC-4451. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to final cost and performance goals for coal-based technologies; to the Committee on Energy and Natural Resources.

EC-4452. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "The Effect of Private Wire Laws on Development of Combined Heat and Power Facilities"; to the Committee on Energy and Natural Resources.

EC-4453. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electric Reliability Organization Revised Mandatory Reliability Standards for Interchange Scheduling and Coordination" (Docket No. RM09-8-000) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Energy and Natural Resources.

EC-4454. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System; Yellowstone National Park, Winter Use" (RIN1024-AD73) received during adjournment

of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Energy and Natural Resources.

EC-4455. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System; Grand Teton National Park, John D. Rockefeller, Jr. Memorial Parkway, Winter Use" (RIN1024-AD82) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Energy and Natural Resources.

EC-4456. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report related to the Colorado River System Reservoirs for calendar year 2010; to the Committee on Energy and Natural Resources.

EC-4457. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of the Brown Pelican (*Pelecanus occidentalis*) From the Federal List of Endangered and Threatened Wildlife" (RIN1018-AV28) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Environment and Public Works.

EC-4458. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events" (RIN3150-AI01) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Environment and Public Works.

EC-4459. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Tax Refund Payments to Collect Past-Due, Legally Enforceable Nontax Debt" (RIN1510-AB20) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC-4460. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Debt Collection Authorities under the Debt Collection Improvement Act of 1996" (RIN1510-AB19) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC-4461. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's processing of continuing disability reviews for fiscal year 2008; to the Committee on Finance.

EC-4462. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2010 Section 1274A CPI Adjustments" (Rev. Rul. 2010-2) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4463. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Rules Allowing Issuers to Purchase and Hold Their Own Tax-Exempt Bonds" (Rev. Rul. 2010-7) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4464. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "LITFE 1256(g)(7)(C) Qualified Board or Exchange" (Rev. Rul. 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4465. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2010" (Rev. Rul. 2010-1) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4466. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 305 Treatment of a Stock Distribution by a Publicly Traded Regulated Investment Company or Real Estate Investment Trust in Which the Shareholders Have an Election to Receive Money or Stock, Subject to an Aggregate Limitation on the Amount of Money to be Distributed" (Revenue Procedure 2010-12) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4467. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Delaying the Effective Date of Revenue Ruling 2006-57" (Notice 2009-95) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4468. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Suspension of AHYDO Rules" (Notice 2010-11) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4469. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Controlled Corporations to Avoid the Application of Section 304" ((RIN1545-B114)(TD9477)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4470. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Notice 2008-55" (Notice 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4471. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Apportionment of Tax Items among the Members of a Controlled Group of Corporations" (TD9476) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4472. A communication from the Writer/Editor, Bureau of Immigration and Customs

Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Procedures for Employers Who Receive a No-Match Letter: Rescission" (RIN1653-AA59) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4473. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to loan guarantees to Israel; to the Committee on Foreign Relations.

EC-4474. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0001–2010-0014); to the Committee on Foreign Relations.

EC-4475. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0224–2010-0232); to the Committee on Foreign Relations.

EC-4476. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Interim Final Requirements for School Improvement Grants" (RIN1810-AB06) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4477. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" (29 CFR Part 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4478. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Plan Assets'—Participant Contributions" (RIN1210-AB02) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4479. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-4480. A communication from the Office Manager, Office of the National Coordinator for HIT, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification, Criteria for Electronic Health Record Technology" (RIN0991-AB58) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4481. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a performance re-

port to the President and the Congress for the Prescription Drug User Fee Act; to the Committee on Health, Education, Labor, and Pensions.

EC-4482. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Head Start Impact Study Final Report—January 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-4483. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Remote Location Filing" (RIN1505-AB20) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4484. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-255, "Fiscal Year 2010 Budget Support Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4485. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-263, "Public Land Surplus Standards Amendment"; to the Committee on Homeland Security and Governmental Affairs.

EC-4486. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-264, "Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-265, "Whistleblower Protection Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-266, "Prescription Drug Dispensing Practices Reform Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4489. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-267, "Disclosure of Information to the Council Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4490. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-268, "Fiscal Year 2010 Limited Grant-Making Authority Clarification Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4491. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-269, "African American Civil War Memorial Freedom Foundation, Inc. African-American Civil War Museum Approval Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4492. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-270, "Retirement Incentive Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4493. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18-271, "Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4494. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "District's Earmark Process Needs Improvement"; to the Committee on Homeland Security and Governmental Affairs.

EC-4495. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, a report relative to the number of federal agencies that did not fully implement a recommendation made by the Office in response to a bid protest during fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4496. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "2009 Report to Congress on Data Mining Technology and Policy"; to the Committee on Homeland Security and Governmental Affairs.

EC-4497. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4498. A communication from the President's Pay Agent, transmitting, pursuant to law, a report on locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-4499. A communication from the Deputy Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Naturalization for Certain Persons in the U.S. Armed Forces" (RIN1615-AB85) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on the Judiciary.

EC-4500. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law an annual report relative to military and overseas voters; to the Committee on the Judiciary.

EC-4501. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "'Imported Directly' Requirement Under the United States-Bahrain Free Trade Agreement" (RIN1505-AC13) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

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. BURR (for himself, Mrs. HAGAN, Mr. WARNER, and Mr. WEBB):

S. 2951. A bill to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN:

S. 2952. A bill to establish funds to rapidly create new jobs in the private and public sector; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WEBB (for himself and Mr. WARNER):

S. 2953. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 2954. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporation which are owned or controlled by foreign principals; to the Committee on Rules and Administration.

By Mr. FEINGOLD:

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2956. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEMIEUX:

S. 2957. A bill to amend the Internal Revenue Code of 1986 to temporarily reduce payroll taxes of employees and employers by one-half, and for other purposes; 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. REID (for himself, Mr. MCCONNELL, Ms. MIKULSKI, Mr. CARDIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 397. A resolution relative to the death of Charles McCurdy ("Mac") Mathias, Jr., former United States Senator for the State of Maryland; considered and agreed to.

By Mr. REID:

S. Res. 398. A resolution to authorize representation by the Senate Legal Counsel in

the case of *Schonberg, et al. v. Sanders, et al.*; considered and agreed to.

By Mr. ENSIGN (for himself and Mr. REID):

S. Res. 399. A resolution honoring the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, the law enforcement officers of the United States Marshals Service and Las Vegas Metropolitan Police Department, and the Court Security Officers in responding to the armed assault at the Lloyd D. George Federal Courthouse on January 4, 2010; considered and agreed to.

By Mr. BURRIS (for himself and Mr. DURBIN):

S. Con. Res. 49. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the life of Elijah Parish Lovejoy; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 259

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 619

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 694

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1179

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1179, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1610

At the request of Ms. CANTWELL, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 2727

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2727, a bill to provide for continued application of arrangements under the Protocol on Inspections and Continuous Monitoring Activities Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms in the period following the Protocol's termination on December 5, 2009.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S.J. RES. 26

At the request of Ms. MURKOWSKI, the name of the Senator from Nevada (Mr.

ENSIGN) was added as a cosponsor of S.J. Res. 26, a joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act.

S. RES. 373

At the request of Mr. CRAPO, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 373, a resolution designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN:

S. 2952. A bill to establish funds to rapidly create new jobs in the private and public sector; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRANKEN. Mr. President, today I want to talk about jobs. Lately it seems that everyone says they want to talk about jobs and that we will get around to tackling jobs next week or the week after. I would like to kick off the discussion today, right now, and follow it up with what I plan to do about jobs. I would not be the first to observe that times are tough right now. Our Nation is still reeling from the most disastrous economic collapse in a generation. Failed regulatory policies—or really, just deregulation—bad lending practices, and Wall Street recklessness all contributed to the current crisis, double-digit unemployment for the first time in 25 years. Millions of American families are relying on their unemployment benefits to put food on the table and to pay their rent. Some are looking down at their final unemployment check, wondering what they are going to do next. For every single job opening, there are six unemployed workers. Too many people are left without options or hope in this dismal job market.

In the fall of 2008, when Wall Street's financial institutions started falling like dominos, our regulators told us: Congress has to pass TARP now or we face total economic ruin. This seemed to get Congress moving. It passed legislation in a matter of days. My feeling is that the American people, especially those folks out of work, need their advocates to say: We have to do this now. Every Senator who has heard from their constituents about the depressing job market, about the day-to-day struggles of being unemployed, should be on the floor insisting that we act now; that if we don't act now and act boldly and broadly, Main Street will continue to suffer, and that this unemployment crisis we are in will drag on and on.

The House has already acted. They passed a robust jobs package last December that provided needed funds to States and localities to keep teachers, firefighters, and police officers on the

job. It provided funds for public infrastructure projects. These are all vital elements to a successful jobs creation package.

In addition to these fundamentals, the Senate has the opportunity to put forward new ideas for job creation. Today I am introducing my proposal, the SEED Act, Strengthening our Economy through Employment Development, SEED. We have seen Cash for Clunkers. We have talked about Cash for Caulkers. Now I am proposing cash for jobs. The SEED Act is modeled after a program we used for several years in Minnesota during the recession of the 1980s. By all accounts, it was extremely successful. Minnesota's program got over 7,400 people back to work in its first 6 months and created nearly 15,000 permanent, long-term jobs. It did that at a much lower cost per job than the stimulus package this body passed last year.

The SEED Act will incentivize rapid job creation by offering small and medium-size companies and nonprofits a direct wage subsidy to hire new workers and expand their operations. Small businesses are the driving force behind our economy. We all know that. They want to grow. But many of them need an added infusion of capital since TARP hasn't trickled down to them. Administered on a first-come-first-serve basis, these subsidies will provide 50 percent of wages of newly hired workers and will be disbursed through the already existing Workforce Investment Act system. Using this existing system will minimize the bureaucracy that plagues so many new initiatives. Additionally, employers who hire recently returned Iraq and Afghanistan vets would be eligible for a 60-percent subsidy. The subsidy would be available for a 12-month period, and the employer would commit to keeping the worker on for an additional 3 months after the subsidized year.

This model proved highly effective and efficient in Minnesota. Jim Glowacki is one of my constituents. He used Minnesota's program in the 1980s. After he lost his job, he decided to start his own business. He had few resources and little ability to borrow money. He used Minnesota's program, which was called MEED, to hire his first two employees. Now his company, the JPG Group, employs 17 full-time workers and has an annual payroll of over \$800,000. His story epitomizes the incredible potential for this approach to spur job creation.

The second component of the SEED Act is to direct grants to States, localities, and tribes to fund green jobs; Providing funds to retrofit public buildings. In addition to creating green jobs, these retrofits will increase energy efficiency, decreasing our dependence on foreign oil and saving taxpayers money. These are public buildings. Too many of our public buildings, public housing, libraries, and schools are becoming outdated and don't utilize the green technologies available

today. There are many skilled workers currently on the bench who already have the training they need to immediately get to work on these projects. These new projects will increase demand for energy-efficient windows and doors and heating systems and insulation, providing a boost to our Nation's stalled manufacturing sector. Some of you may not know this, but Minnesota is the Silicon Valley of windows. We are home to the Nation's leaders in energy-efficient windows which makes some sense given our winters. Retrofitting public buildings is a win for everyone—for workers, localities, taxpayers, manufacturing, and the environment. This is a win-win-win-win-win, I think. Windows, too. If we re-allocate \$10 billion from the TARP program and pass this proposal into law, we have the potential of creating up to 500,000 jobs, and quickly.

Getting people back to work will ease the burden on public benefit programs like such as employment and COBRA subsidies. Many employers will convert their participating workers into permanent employees, setting them up for a long-term career. Minnesotans have stressed to me how efficiently this program worked in our State and that it provides an excellent return on investment. They have worked tirelessly to demonstrate the benefits of this type of bold proposal. I thank them for collaborating with me on this important piece of legislation. More than 50 Minnesota organizations, companies, and chambers of commerce have come out in support.

I ask unanimous consent to have printed in the RECORD a list of these organizations.

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

The following Minnesota organizations support the SEED Act:

Northwest Private Industry Council; Rural Minnesota CEP Workforce Council; Northeast MN Workforce Council; Duluth Workforce Council; Central MN Workforce Council; Southwest MN Workforce Council; South Central Workforce Council; Southeast Minnesota Workforce Development Board; Hennepin-Carver Workforce Council; Minneapolis Private Industry/Workforce Council; Anoka County Workforce Council; Dakota-Scott County Workforce Council; Ramsey County Workforce Solutions; Washington County Workforce Investment Board; Stearns-Benton Employment & Training Council; Winona County Workforce Council; Minnesota Hmong Chamber of Commerce; Minnesota Black Chamber of Commerce; JPG Group; VAST Enterprises, LLC.

A Minnesota Without Poverty; Accessibility, Inc.; Anoka County Human Services Job Training Center; Anne Marie's Alliance, St. Cloud; Anoka County Community Action Program; Arrowhead Economic Opportunity Agency; Children's Defense Fund-MN; CLASP; Department of Social Work, Augsburg College; Employment Action Center; Joint Religious Legislative Coalition; Heartland Community Action Agency; HIRED; Kootasca Community Action; Lifetrack Resources; L.I.F.T. To End Poverty; Minnesota Community Action Partnership; NASW-Minnesota (National Associa-

tion of Social Workers); Northwest Community Action; Otter Tail-Wadena Community Action Council.

Project for Pride in Living; Sabathani Community Center; Southwestern Minnesota Opportunity Council; The Arc of Minnesota; Three Rivers Community Action; Twin Cities Community VoiceMail; Goodwill EasterSeals of Minnesota; YWCA Saint Paul; Greater Minneapolis Council of Churches; Minnesota FoodShare; JOBS NOW Coalition.

Mr. FRANKEN. I urge my colleagues to join me in quickly moving forward on a bill to put Americans back to work. I urge them to join me in support of the SEED Act, Strengthening our Economy through Employment and Development.

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. 2952

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 Our Economy Through Employment and Development Act".

SEC. 2. USE OF UNEXPENDED AND REPAID FUNDS OF THE TROUBLED ASSET RELIEF PROGRAM.

Of the amounts made available to the Secretary of the Treasury under section 115 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) that are unobligated as of the date of enactment of this Act and of all assistance received under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) that is repaid on or after the date of enactment of this Act, \$10,000,000,000 shall be made available to carry out the Private Sector Wage Subsidy Fund under section 3 and the Public Sector Energy Efficiency Promotion Fund under section 4.

SEC. 3. PRIVATE SECTOR WAGE SUBSIDY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Private Sector Wage Subsidy Fund" (referred to in this section as the "Fund"), consisting of \$5,000,000,000 made available to the Fund under section 2, to enable small and medium sized businesses and nonprofit organizations to hire eligible workers who will receive wage subsidies pursuant to this section.

(b) ALLOCATION TO LOCAL AREAS AND ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Labor shall allocate to each local area, to carry out this section, an amount that bears the same relationship to the funds made available under this section for a fiscal year, as the sum of the amounts received under paragraph (2)(A) or (3) of section 133(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2863(b)) and under paragraph (2)(B) of that section by the local area for that fiscal year bears to the total of such sums received by all local areas for that fiscal year.

(2) LOCAL AREA.—In this section, the term "local area" has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(3) ADMINISTRATION BY LOCAL AREAS.—

(A) IN GENERAL.—Each local area that receives an amount under this section shall provide allocations to businesses and nonprofit organizations in the same manner as the local area provides allocations for on-the-job training subsidies under the Work-

force Investment Act of 1998 (29 U.S.C. 2801 et seq.), to the extent consistent with this section.

(B) ALLOCATIONS TO EMPLOYERS.—Each local area that receives an amount under this section shall provide allocations to businesses and nonprofit organizations through twice-monthly or monthly subsidy checks for the first 9 months. The allocation for months 10, 11, and 12 shall be withheld until the end of the 15th month, at which point the business or nonprofit organization shall verify that the eligible worker is still on the payroll and shall then receive a lump-sum reimbursement for months 10, 11, and 12.

(C) FLEXIBILITY.—A local area that receives an amount under this section may offer customized or variant subsidy arrangements with businesses and nonprofit organizations if 30 percent of the allocated funds have not been obligated by the local area within 6 months.

(c) AVAILABILITY OF FUNDS.—Allocation of amounts from the Fund to businesses and nonprofit organizations shall be—

(1) made available not later than 90 days after the date of enactment of this Act; and

(2) administered on a first-come, first-serve basis to incentivize rapid job creation.

(d) ELIGIBILITY.—A business or nonprofit organization is eligible to receive an allocation from the Fund for wage subsidies if such business or organization employs fewer than 500 individuals.

(e) WAGE SUBSIDY.—

(1) IN GENERAL.—Wage subsidies allocated under this section to businesses and nonprofit organizations to hire eligible workers shall be consistent with the following:

(A) 1-YEAR PERIOD.—A wage subsidy shall be provided for a 1-year period.

(B) AMOUNT.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), a wage subsidy shall be—

(I) 50 percent of total wages; or

(II) \$12 per hour,

whichever amount is less.

(ii) IRAQ AND AFGHANISTAN VETERANS.—Except as provided in clause (iii), in the case of an individual who is a veteran of military service in Iraq or Afghanistan after September 11, 2001, a wage subsidy shall be—

(I) 60 percent of total wages; or

(II) \$14.40 per hour,

whichever amount is less.

(iii) ADDITIONAL AMOUNT FOR EMPLOYERS THAT OFFER HEALTH INSURANCE.—Notwithstanding the subsidy maximum amounts provided under clauses (i) and (ii), a business or nonprofit organization that receives an allocation from the Fund for wage subsidies under this section and contributes to the cost of health insurance coverage for its employees shall receive an additional \$1 per hour for each eligible worker hired pursuant to this section to help defray the cost of contributing to such coverage.

(C) JOB WAGE MINIMUM.—Except as provided in subparagraph (D), a job for which a wage subsidy is allocated under this section shall—

(i) pay not less than \$10 per hour; or

(ii) start at \$9 per hour with a certification from the business or nonprofit organization that the wage will be increased to not less than \$10 per hour by the end of the subsidy period.

(D) MINIMUM WAGE REQUIREMENT.—If the locality in which a job for which a wage subsidy is allocated under this section is located has a minimum wage requirement that is more than \$10 per hour, then such job shall pay not less than such minimum wage requirement.

(2) CERTIFICATION BY EMPLOYER.—A business or nonprofit organization that receives

an allocation from the Fund for wage subsidies under this section shall provide to the local area a certification that includes each of the following:

(A) The business or organization will hire the employees hired under the wage subsidy program for newly created positions not for vacancies in already existing positions.

(B) The business or organization will retain the employees hired under the wage subsidy program for not less than 15 months.

(C) The business or organization will not displace existing workers, or reduce the hours of existing workers, with the employees hired under the wage subsidy program.

(D) The business or organization will offer comparable wages and the same benefits to subsidized workers as comparable, existing workers.

(E) The business or organization will hire the worker for a minimum of 30 hours per week.

(F) If the business or nonprofit organization employs individuals represented by a labor organization, the business or nonprofit organization will obtain sign-off by the labor organization in coordination with the existing collective bargaining agreement.

(3) FAILURE TO COMPLY WITH CERTIFICATION.—The Secretary of Labor shall promulgate regulations regarding waivers of a business or nonprofit organization's obligation to retain an employee hired under the wage subsidy program for not less than 15 months.

(4) ELIGIBLE WORKERS.—

(A) IN GENERAL.—A business or nonprofit organization that receives an allocation from the Fund for wage subsidies under this section shall hire only eligible workers to receive such wage subsidies.

(B) ELIGIBLE WORKERS DEFINED.—In this section, the term “eligible worker” means an individual who—

(i) has exhausted the individual's State-funded unemployment insurance benefits (as verified by the State or local department of labor or similar entity); or

(ii) has been unemployed for not less than 6 months.

(f) ADMINISTRATIVE COSTS.—Of the funds allocated to each local area under this section, not more than 10 percent may be used by the local areas for costs and expenses for administration, marketing, job placement, and program support services.

SEC. 4. PUBLIC SECTOR ENERGY EFFICIENCY PROMOTION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Public Sector Energy Efficiency Promotion Fund” (referred to in this section as the “Fund”), consisting of such amounts as are made available to the Fund under section 2.

(b) GRANTS.—

(1) IN GENERAL.—On request by the Secretary of Energy (referred to in this section as the “Secretary”), the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to distribute grants to States to provide funds to retrofit public buildings to increase energy efficiency.

(2) RESERVATION FOR INDIAN TRIBES.—The Secretary shall reserve 1 percent of amounts transferred under paragraph (1) to award grants to Indian tribes to carry out activities described in this section.

(c) ALLOCATION TO STATES.—Grants made available under this section shall be allocated to States in accordance with section 543(c) of the Energy Security and Independence Act of 2007 (42 U.S.C. 17153(c)).

(d) DISTRIBUTION TO POLITICAL SUBDIVISIONS.—A State that receives a grant under this section—

(1) may retain not more than 30 percent of the amount of the grant; and

(2) shall distribute the remainder of the grant to political subdivisions of the State through an application process.

(e) UNOBLIGATED FUNDS.—Any grant amounts not obligated by the date that is 1 year after the date of the receipt of the grant by the State or Indian tribe shall be—

(1) returned to the Treasury of the United States; and

(2) transferred to the Private Sector Wage Subsidy Fund established under section 3.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), funds made available under this section may be used only—

(A) to retrofit public housing for increased energy efficiency;

(B) to retrofit public buildings, libraries, and schools for increased energy efficiency;

(C) to retrofit vacant or foreclosed homes for increased energy efficiency; or

(D) if there are not sufficient projects to carry out energy efficiency retrofits described in subparagraphs (A) through (C), to restore and refurbish public buildings.

(2) PRIORITY.—In using funds made available under this section, a State, political subdivision of a State, or Indian tribe shall give priority to projects that were identified by the State or Indian tribe before the date of enactment of this Act.

(3) ENERGY EFFICIENCY.—

(A) IN GENERAL.—The Secretary of Energy, in coordination with the Secretary of Housing and Urban Development, shall create standards for measurement and verification of energy efficiency in residential buildings, commercial buildings, and federally-funded housing facilities.

(B) ADMINISTRATION.—In creating the standards described in subparagraph (A), the Secretary of Energy shall include the following—

(i) the 2009 International Energy Conservation Code (IECC) or equivalent for residential buildings or the ASHRAE 90.1-2007 standard or equivalent for commercial buildings;

(ii) a maximum window U-factor of .30 and a maximum solar heat gain factor of .30 for both residential and commercial buildings;

(iii) certification of building energy and environment auditors, inspectors, and raters by the Residential Energy Services Network or an equivalent certification system, as determined by the Secretary;

(iv) certification or licensing of building energy and environmental retrofit contractors by the Building Performance Institute or an equivalent certification or licensing system, as determined by the Secretary;

(v) use of equipment and procedures of the Building Performance Institute, the Residential Energy Services Network, or other appropriate equipment and procedures (such as infrared photography and pressurized testing and tests for water use and indoor air quality), as determined by the Secretary, to test the energy and environmental efficiency of buildings effectively;

(vi) determination of energy savings in a performance-based building retrofit program through—

(I) in the case of residential buildings, comparison of before and after retrofit scores on the Home Energy Rating System Index, if the final score is produced by an objective third party, or compliance with 2009 IECC, as well as a maximum window U-factor of .30 and a maximum solar heat gain factor of .30;

(II) in the case of commercial buildings, benchmarks set by the Environmental Protection Agency, or compliance with the ASHRAE 90.1 2007 standard or equivalent, as well as a maximum window U-factor of .30 and a maximum solar heat gain factor of .30; and

(III) in the case of residential and commercial buildings, use of a program that is approved by the Administrator of the Environmental Protection Agency and subject to appropriate software standards and verification of at least 15 percent of all work completed;

(vii) suggested guidelines for using—

(I) the Energy Star portfolio manager;

(II) the Home Energy Rating System rating system;

(III) home performance improvements approved under the Energy Star program; and

(IV) any other tools associated with applicable retrofit programs; and

(viii) requirements, energy building codes, standards, or guidelines for renovation and postretrofit inspection and confirmation of work and energy savings.

(g) COMPETITIVE BIDDING.—Any project carried out under this section that requires an outside contractor shall be subject to a competitive bidding process.

(h) DAVIS-BACON COMPLIANCE.—

(1) IN GENERAL.—All laborers and mechanics employed on projects funded directly by or assisted in whole or in part by this section, under any contractor or subcontractor, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(2) AUTHORITY.—With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(i) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this section, not more than—

(1) 1 percent may be used by the Secretary of Energy for administrative costs; and

(2) 4 percent of funds may be used by States and Indian tribes that receive grants under this section for administrative costs.

SEC. 5. EVALUATION.

After the termination date described in section 6(a), the Secretary of Labor shall conduct an evaluation of job creation effectiveness of programs carried out with funds made available under this Act.

SEC. 6. SUNSET.

(a) IN GENERAL.—The Private Sector Wage Subsidy Fund established under section 3, the Public Sector Energy Efficiency Promotion Fund established under section 4, and the authorization of amounts made available to carry out such Funds shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) AMOUNTS RETURNED TO TREASURY.—Any amounts that are in the Funds described in subsection (a) on the date of termination described in subsection (a) shall be returned to the Treasury of the United States.

By Mr. FEINGOLD:

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation establishing a temporary jobs tax credit to help businesses expand their payroll here in the U.S. by hiring more employees, expanding work hours, or raising pay. The measure is modeled on a proposal by the Economic Policy Institute that would create an estimated 5 million jobs over the next two years.

As we should not undermine the long-term prospects of our economy for the sake of a short-term problem, the legislation is fully offset to ensure that over the next 10 years it will not increase the deficit.

Briefly, the legislation provides firms a tax credit of 15 percent of the increase in their eligible payroll in 2010, and 10 percent in 2011. Eligible payroll includes that portion of a firm's wages subject to Social Security taxes. For 2010 those are wages of \$106,800 or less. Thus, pay hikes for very highly salaried workers would not be eligible for the tax credit.

The jobs tax credit is designed to avoid seasonal employment spikes by calculating it on a quarter over-year-ago-quarter basis. For example, wages for the first quarter of 2010 are compared with wages for the first quarter of 2009; wages for the third quarter of 2010 are compared with wages for the third quarter of 2009. To limit possible gaming of the credit the last quarter of 2010 would be measured against the last quarter of 2008, rather than 2009.

Only increased wages for employees here in the U.S. would be eligible for the credit.

President Obama was handed the worst economy since the Great Depression. While he has taken significant steps to turn the economy around, employment continues to be a problem.

The official unemployment rate is a tragically high 10 percent. But even that high level understates the true employment picture, for if one adds in the millions of people working part-time who want full-time employment, and the millions more who are discouraged and have given up looking for work, the rate is 17.3 percent, one of the highest levels since 1994.

We must take steps to help businesses put people back to work and this bill will do that.

No tax credit can be perfectly targeted. Any tax incentive we provide firms will provide some businesses with a windfall for behaving in ways they would have anyway, but a recent report by the Congressional Budget Office on various policy options to spur employment found that a tax break similar to this proposal would be among the most efficient and effective policies we could enact. The CBO report estimated a similar jobs tax credit would boost Gross Domestic Product by as much as \$1.30 for every dollar spent, and would increase employment by as much as 18 net full-time equivalent jobs for every million dollars invested through the credit. In laying out the jobs tax credit proposal on which this measure is based, the Economic Policy Institute projected an increase of more than 5 million jobs over the next 2 years.

As I noted earlier, it is essential that we not aggravate the long-term problems facing our economy, and for that reason my legislation includes provisions that will offset the estimated cost of the jobs tax credit, which the

Economic Policy Institute estimates to be \$27 billion. Specifically, the proposal includes provisions originally proposed by the Senator from Michigan, Mr. LEVIN, in S. 506, the Stop Tax Haven Abuse Act.

Under the leadership of Senator LEVIN, the Homeland Security Committee's Permanent Subcommittee on Investigations found that offshore tax evasion costs the taxpayers of this country an estimated one hundred billion dollars every year. Because of this abuse, ordinary taxpayers are bearing more than their fair share of the cost of their government, and our children and grandchildren will be paying an even bigger bill for the increased deficits and debt that result from this practice.

The legislation Senator LEVIN developed as a result of his Subcommittee's work would go a long way to shutting down this abuse, and I am pleased to include it in a measure to help firms put people back to work.

The economic pain caused by the current recession is real. More than fifteen million people are considered officially unemployed today, and if we include those who want to work more hours and those who have given up looking for work, that number rises to over 26 million. As we know, losing one's job means more than losing income. It is one of the most traumatic events we can experience, and can be devastating for the millions of families that have been affected.

We must take action to address this employment crisis. As the Senate begins to debate possible responses, a jobs tax credit should be at the top of the proposals we consider. While the precise terms of such a credit can be debated, the need for it is clear.

I urge my colleagues to support this approach.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2956. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Indian Affairs.

Mrs. BOXER. Mr. President, I am pleased to introduce the Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act. This legislation will implement a settlement concerning the water rights of the Pechanga Band of Luiseno Mission Indians, who have been engaged for several decades in a struggle for recognition and protection of their federally reserved groundwater rights.

Since 1951, the Pechanga have been involved in litigation initiated by the U.S. concerning water rights in the Santa Margarita watershed. The Pechanga's interest has been in protecting their groundwater supplies, which are shared with municipal developments in the San Diego region. Beginning in 2006, the Pechanga worked with local water districts to negotiate a cooperative solution and put an end to their dispute.

The Pechanga Settlement Agreement is a comprehensive agreement negotiated among the Pechanga, the U.S. on their behalf, and several California water districts, including the Rancho California Water District and Eastern Municipal Water District. The settlement recognizes the Pechanga's tribal water right to 4994 acre-feet of water per year and outlines a series of measures to guarantee this amount. It is a win-win solution that protects the rights of the Pechanga while ensuring that other communities in Southern California will also have sufficient water supplies.

I am pleased to be joined by Senator FEINSTEIN in introducing this legislation. We have worked with our colleagues in the House, including Representatives BONO MACK, GRIJALVA, RICHARDSON, CALVERT, BACA, and ISSA, to craft this legislation. Our bill not only provides the Pechanga with long-overdue assurances of their water rights, but also exemplifies all the good that can be accomplished when parties put aside their differences and come to the table to negotiate a reasonable solution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 397—RELATIVE TO THE DEATH OF CHARLES McCURDY ("MAC") MATTHIAS, JR., FORMER UNITED STATES SENATOR FOR THE STATE OF MARYLAND

Mr. REID (for himself, Mr. McCONNELL, Ms. MIKULSKI, Mr. CARDIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr.

WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas Mac Mathias served in the United States Navy during World War II from 1942–1946 and was a captain in the Naval Reserve;

Whereas Mac Mathias served the state of Maryland as an assistant attorney general, a city attorney, a member of the Maryland House of Delegates, and as a member of the United States House of Representatives;

Whereas Mac Mathias was called the “conscience of the Senate” by Majority Leader Mike Mansfield;

Whereas Mac Mathias served the Senate as Chairman of the Committee on Rules and Administration in the Ninety-seventh through Ninety-ninth Congresses and co-chairman of the Joint Committee on Printing in the Ninety-seventh and Ninety-ninth Congresses; and

Whereas Mac Mathias served the people of Maryland with distinction for 18 years in the United States Senate; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Charles McC. Mathias, Jr., former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Charles McC. Mathias, Jr.

SENATE RESOLUTION 398—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF SCHONBERG, ET AL. V. SANDERS, ET AL.

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 398

Whereas, in the case of *Schonberg, et al. v. Sanders, et al.*, Case No. 5:09–CV–534, pending in the United States District Court for the Middle District of Florida, plaintiffs have named as defendants five Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 1A288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Lieberman, Lincoln, McConnell, McCain, and Sanders in the case of *Schonberg, et al. v. Sanders, et al.*

SENATE RESOLUTION 399—HONORING THE HEROIC ACTIONS OF COURT SECURITY OFFICER STANLEY COOPER, DEPUTY UNITED STATES MARSHAL RICHARD J. “JOE” GARDNER, THE LAW ENFORCEMENT OFFICERS OF THE UNITED STATES MARSHALS SERVICE AND LAS VEGAS METROPOLITAN POLICE DEPARTMENT, AND THE COURT SECURITY OFFICERS IN RESPONDING TO THE ARMED ASSAULT AT THE LLOYD D. GEORGE FEDERAL COURTHOUSE ON JANUARY 4, 2010

Mr. ENSIGN (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 399

Whereas on January 4, 2010, during an assault at the entrance of the Lloyd D. George Federal Courthouse in Las Vegas, Nevada, Court Security Officer Stanley Cooper was fatally wounded and died heroically in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas Deputy United States Marshal Richard J. “Joe” Gardner was wounded in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas the Court Security Officers and members of the United States Marshals Service and the Las Vegas Metropolitan Police Department acted swiftly and bravely to subdue the gunman and minimize risk and injury to the public; and

Whereas the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. “Joe” Gardner, and the law enforcement officers who responded to the attack prevented additional harm to innocent bystanders: Now, therefore, be it

Resolved, That the Senate—

(1) commends the brave actions and quick thinking exhibited by Court Security Officer Stanley Cooper during the assault at the entrance of the Lloyd D. George Federal Courthouse on January 4, 2010;

(2) offers its deepest condolences to the family and friends of Court Security Officer Stanley Cooper, who valiantly gave his life in the line of duty;

(3) commends Deputy United States Marshal Richard J. “Joe” Gardner for his actions and bravery in responding to the assault;

(4) wishes Deputy United States Marshal Richard J. “Joe” Gardner a speedy recovery from the wounds he sustained in the line of duty; and

(5) applauds the Court Security Officers and members of the United States Marshals Service and Las Vegas Metropolitan Police Department for their brave and courageous actions in responding to the assault at the Lloyd D. George Federal Courthouse.

SENATE CONCURRENT RESOLUTION 49—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR THE LIFE OF ELIJAH PARISH LOVEJOY

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 49

Whereas Elijah Parish Lovejoy was an advocate for the abolition of slavery and, as editor of the *St. Louis Observer*, wrote a series of editorials in which he strongly condemned the practice of slavery and supported efforts toward emancipation;

Whereas after being forced to move his printing press across the Mississippi River to Alton, Illinois, Lovejoy became the Stated Clerk of the Presbytery in 1837 and the first pastor of the present-day College Avenue Presbyterian Church;

Whereas on the night of November 7, 1837, Lovejoy was killed by a pro-slavery mob while he attempted to defend his press, a machine that came to serve as a symbol for the abolition of slavery;

Whereas the murder of Lovejoy resulted in a great strengthening of abolitionist sentiment and is recognized as one of the key events that led to the Civil War;

Whereas Lovejoy gave his life in defense of freedom and equality, two traits that define America;

Whereas the Elijah P. Lovejoy Memorial asks that a postage stamp be issued to honor the life of Elijah Parish Lovejoy and to commemorate the 175th anniversary of his death: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Postal Service should issue a postage stamp honoring the life of Elijah Parish Lovejoy and commemorating the 175th anniversary of his death; and

(2) the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3308. Mr. SESSIONS (for himself, Mrs. MCCASKILL, Mr. KYL, and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt.

SA 3309. Mr. BROWNBACK (for himself, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, supra.

TEXT OF AMENDMENTS

SA 3308. Mr. SESSIONS (for himself, Mrs. MCCASKILL, Mr. KYL, and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

SEC. 401. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

“DISCRETIONARY SPENDING LIMITS

“SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

“(b) LIMITS.—In this section, the term ‘discretionary spending limits’ has the following meaning subject to adjustments in subsection (c):

“(1) For fiscal year 2010—

“(A) for the defense category (budget function 050), \$556,128,000,000 in budget authority; and

“(B) for the nondefense category, \$526,122,000,000 in budget authority.

“(2) For fiscal year 2011—

“(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

“(B) for the nondefense category, \$529,662,000,000 in budget authority.

“(3) For fiscal year 2012—

“(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

“(B) for the nondefense category, \$533,232,000,000 in budget authority.

“(4) For fiscal year 2013—

“(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

“(B) for the nondefense category, \$540,834,000,000 in budget authority.

“(5) For fiscal year 2014—

“(A) for the defense category (budget function 050), \$598,249,000,000 in budget authority; and

“(B) for the nondefense category, \$550,509,000,000 in budget authority.

“(6) With respect to fiscal years following 2014, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

“(c) ADJUSTMENTS.—

“(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, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, 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 there from; 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) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

“(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

“(i) with respect to fiscal year 2010, \$130,000,000,000 in new budget authority;

“(ii) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

“(iii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority;

“(iv) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority; and

“(v) with respect to fiscal year 2014, \$50,000,000,000 in new budget authority.

“(B) EMERGENCY SPENDING.—For fiscal year 2010, 2011, 2012, 2013, or 2014 for appropriations for discretionary accounts designated as emergency requirements, the adjustment for purposes of paragraph (1) shall be the total of such appropriations in discretionary

accounts designated as emergency requirements, but not to exceed \$10,350,000,000 for fiscal year 2010, \$10,454,000,000 for 2011, \$10,558,000,000 for 2012, \$10,664,000,000 for 2013, and \$10,877,000,000 for 2014. Appropriations designated as emergencies in excess of these limitations shall be treated as new budget authority.

“(C) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2010, \$7,100,000,000, for fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, for fiscal year 2013, \$7,315,000,000, and for fiscal year 2014, \$7,461,000,000.

“(II) For fiscal year 2010, \$890,000,000, for fiscal year 2011, \$899,000,000, for fiscal year 2012, \$908,000,000, for fiscal year 2013, \$917,000,000, and for fiscal year 2014, \$935,000,000.

“(D) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2010, \$273,000,000; for fiscal year 2011, \$276,000,000; for fiscal year 2012, \$278,000,000; for fiscal year 2013, \$281,000,000; for fiscal year 2014, \$287,000,000.

“(II) For fiscal year 2010, \$485,000,000; for fiscal year 2011, \$490,000,000; for fiscal year 2012, \$495,000,000; for fiscal year 2013, \$500,000,000; for fiscal year 2014, \$510,000,000.

“(iii) ASSET VERIFICATION.—

“(i) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

“(ii) AMOUNTS.—For fiscal year 2010, \$34,000,000, for fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, for fiscal year 2013, \$35,030,000 and for fiscal year 2014, \$35,731,000.

“(E) HEALTH CARE FRAUD AND ABUSE.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that

measure for that initiative but not to exceed the amount described in clause (ii).

“(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2010, \$311,000,000, for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, for fiscal year 2013, \$320,000,000, and for fiscal year 2014, \$327,000,000.

“(F) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

“(i) with respect to fiscal year 2010, \$50,000,000 in new budget authority;

“(ii) with respect to fiscal year 2011, \$51,000,000 in new budget authority; and

“(iii) with respect to fiscal year 2012, \$51,000,000 in new budget authority.

“(iv) with respect to fiscal year 2013, \$52,000,000 in new budget authority; and

“(v) with respect to fiscal year 2014, \$53,000,000 in new budget authority.

“(G) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

“(d) EMERGENCY SPENDING.—

“(1) 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 subsection.

“(2) EXEMPTION OF EMERGENCY PROVISIONS.—Subject to the limitations provided in subsection (c)(2)(B), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, 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), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

“(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, 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 paragraph (6).

“(4) DEFINITIONS.—In this subsection, 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.

“(5) POINT OF ORDER.—

“(A) 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.

“(B) SUPERMAJORITY WAIVER AND APPEALS.—

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

“(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph 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 paragraph.

“(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

“(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (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 paragraph, 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.

“(6) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

“(i) necessary, essential, or vital (not merely useful or beneficial);

“(ii) sudden, quickly coming into being, and not building up over time;

“(iii) an urgent, pressing, and compelling need requiring immediate action;

“(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

“(v) not permanent, temporary in nature.

“(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

“(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

“(f) POINT OF ORDER IN THE SENATE.—

“(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

“(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

“(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

“(2) APPEAL.—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 measure. An affirmative vote of two-thirds 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.

“(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.”.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Discretionary spending limits.”.

SA 3309. Mr. BROWNBACK (for himself, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the end, add the following:

TITLE II—COMMISSION ON CONGRESSIONAL BUDGETARY ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES

SEC. 201. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” means—

(A) an Executive agency, as defined under section 105 of title 5, United States Code; and

(B) the Executive Office of the President.

(2) CALENDAR DAY.—The term “calendar day” means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION BILL.—The term “Commission bill” means only a bill which is introduced as provided under section 206, and contains the proposed legislation included in the report submitted to Congress under section 203(b)(1), without modification.

(4) PROGRAM.—The term “program” means any activity or function of an agency.

SEC. 202. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on Congressional Budgetary Accountability and Review of Federal Agencies (referred to in this title as the “Commission”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 8 members, of which, not later than 30 days after the date of enactment of this title—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(2) COCHAIRPERSONS.—The majority leader of the Senate and the Speaker of the House of Representatives shall each designate a Cochairperson from among the members of the Commission.

(c) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this title.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Cochairpersons or a majority of its members.

(f) QUORUM.—Five members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

SEC. 203. DUTIES OF THE COMMISSION.

(a) SYSTEMATIC ASSESSMENT OF PROGRAMS BY THE COMMISSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Commission shall establish a systematic method for assessing the effectiveness and accountability of agency programs in accordance with paragraph (2) and divide the programs into 4 approximately equal budgetary parts based on the size of the budget and number of personnel of the agency program.

(2) METHOD OBJECTIVES.—The method established under paragraph (1) shall—

(A) recognize different types of Federal programs;

(B) assess programs based on the achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code);

(C) assess programs based in part on the adequacy of the program's performance measures, financial management, and other factors;

(D) assess programs based in part on whether the program has fulfilled the legislative intent surrounding the creation of the program, taking into account any change in legislative intent during the program's existence; and

(E) assess programs based in part on collaborative analysis, with the program or agency, of program policy and goals which may not fit into easily measurable performance goals.

(b) EVALUATION, PLAN, AND LEGISLATION.—

(1) IN GENERAL.—The Commission shall—

(A) evaluate all agencies and programs within those agencies in each unit identified in the systemic assessment under subsection (a) (1 each year over the next 4 years), using the criteria under paragraph (4); and

(B) submit to Congress each of the next 4 years beginning January 1, 2011, with respect to each evaluation under subparagraph (A)—

(i) a plan with recommendations of the agencies and programs that should be realigned or eliminated within each part; and

(ii) proposed legislation to implement the plan described under clause (i).

(2) APPROVAL OF PLAN.—Any plan submitted under paragraph (1) shall be approved by an affirmative vote of at least 6 members of the Commission.

(3) RELOCATION OF FEDERAL EMPLOYEES.—The proposed legislation under paragraph (1) shall provide that if the position of an employee of an agency is eliminated as a result of the implementation of the plan under paragraph (1)(A), the affected agency shall make reasonable efforts to relocate such employee to another position within the agency or within another Federal agency.

(4) CRITERIA.—

(A) DUPLICATIVE.—If 2 or more agencies or programs are performing the same essential function and the function can be consolidated or streamlined into a single agency or

program, the Commission shall recommend that the agencies or programs be realigned.

(B) WASTEFUL OR INEFFICIENT.—The Commission may recommend the realignment or elimination of any agency or program that has wasted Federal funds by—

- (i) egregious spending;
- (ii) mismanagement of resources and personnel; or
- (iii) use of such funds for personal benefit or the benefit of a special interest group.

(C) OUTDATED, IRRELEVANT, OR FAILED.—The Commission shall recommend the elimination of any agency or program that—

- (i) has completed its intended purpose;
- (ii) has become irrelevant; or
- (iii) has failed to meet its objectives.

SEC. 204. POWERS OF THE COMMISSION.

(a) HEARINGS.—Subject to subsection (d), the Cochairpersons of the Commission may, for the purpose of carrying out this title—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Chairperson of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as the Chairperson of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued under this section only by the affirmative vote of 5 members of the Commission.

(B) SIGNATURES.—Subpoenas issued under this section may be—

- (i) issued under the signatures of any 2 members of the Commission who are not members of the same political party; and
- (ii) served by any person designated by the Cochairpersons or by a member designated by a majority of the Commission.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this section, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(d) INFORMATION.—

(1) IN GENERAL.—The Commission shall have reasonable access to budgetary, performance or programmatic materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. Members of the Commission shall make requests for such access in writing when necessary.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(3) LIMITATION OF ACCESS TO PERSONAL TAX INFORMATION.—Information requested, sub-

poenaed, or otherwise accessed under this title shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 205. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated.

(2) FEDERAL OFFICERS OR EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—With the approval of the majority of the Commission, the Cochairpersons of the Commission may, appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—Upon the approval of the Cochairpersons, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS-15 of the General Schedule under section 5332 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 206. EXPEDITED CONSIDERATION OF REFORM PROPOSALS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission bill language provisions submitted pursuant to section 203(b)(1) shall be introduced in the Senate by the majority leader, or the major-

ity leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives. A committee to which a Commission bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission bill, each Committee of Congress to which the Commission bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission bill has not reported such Commission bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission bill, and such Commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has reported a Commission bill or been discharged from consideration of a Commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Commission bill. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission bill without intervening motion, order, or other business, and the Commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission bill. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for

quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission bill, the vote on final passage of the Commission bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission bill that was introduced in such House, such House receives from the other House a Commission bill as passed by such other House—

(A) the Commission bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission bill of the other House, shall be the same as if no Commission bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission bill of the other House.

(3) Upon disposition of a Commission bill that is received by one House from the other House, it shall no longer be in order to consider the Commission bill that was introduced in the receiving House.

(C) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 207. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the final evaluation and plan report under section 203.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for carrying out this title for each of the fiscal years 2010 through 2014.

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting scheduled before the Committee on Energy and Natural Resources, previously announced for February 11th, has been rescheduled and will now be held on Wednesday, February 10, 2010, at 9:30 a.m., immediately preceding the full committee hearing, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler or Amanda Kelly.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 26, 2010 at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. 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 January 26, 2010 at 10 a.m. to conduct a hearing entitled "Intelligence Reform: The Lessons and Implications of the Christmas Day Attack, Part II."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2010 at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of mine be granted the privileges of the floor during consideration of the debt limit legislation: Christopher Goble, Dustin Stevens, Lucas Hamilton, Tsveta Polhemus.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that Paula Haurilesko, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted the privilege of the floor for the remainder of the week.

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

IN MEMORY OF FORMER SENATOR CHARLES MCCURDY ("MAC") MATHIAS, JR.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 397 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 397) relative to the death of Charles McCurdy ("Mac") Mathias, Jr., former United States Senator for the State of Maryland.

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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 397

Whereas Mac Mathias served in the United States Navy during World War II from 1942–1946 and was a captain in the Naval Reserve;

Whereas Mac Mathias served the state of Maryland as an assistant attorney general, a city attorney, a member of the Maryland House of Delegates, and as a member of the United States House of Representatives;

Whereas Mac Mathias was called the "conscience of the Senate" by Majority Leader Mike Mansfield;

Whereas Mac Mathias served the Senate as Chairman of the Committee on Rules and Administration in the Ninety-seventh through Ninety-ninth Congresses and co-chairman of the Joint Committee on Printing in the Ninety-seventh and Ninety-ninth Congresses; and

Whereas Mac Mathias served the people of Maryland with distinction for 18 years in the United States Senate; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Charles McC. Mathias, Jr., former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Charles McC. Mathias, Jr.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 398 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 398) to authorize representation by the Senate Legal Counsel in the case of *Schonberg, et al. v. Sanders, et al.*

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a civil action filed by two individuals against five Senators, two Representatives, and the Federal Election Commission. Plaintiffs' challenge rests on their claim to a right that Congress pass health care legislation that would benefit them. Plaintiffs' legal claim is that the Federal Election Campaign Act's designation of Members of Congress as agents of their

campaign committees violates the Constitution's prohibition on Members of Congress holding any other office under the United States while serving in the Congress.

Plaintiffs' complaint over the legislative actions of Senators is not cognizable before the courts. In addition, Senators' involvement with their campaign committees does not constitute holding an office of the United States and does not violate the Constitution.

This resolution authorizes the Senate Legal Counsel to represent the Senators named as defendants in this case and to move for its dismissal.

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 relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 398

Whereas, in the case of *Schonberg, et al. v. Sanders, et al.*, Case No. 5:09-CV-534, pending in the United States District Court for the Middle District of Florida, plaintiffs have named as defendants five Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Lieberman, Lincoln, McConnell, McCain, and Sanders in the case of *Schonberg, et al. v. Sanders, et al.*

HONORING LAW ENFORCEMENT OFFICERS IN LAS VEGAS, NEVADA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 399, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 399) honoring the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, the law enforcement officers of the United States Marshals Service and Las Vegas Metropolitan Police Department, and the Court Security Officers in responding to the armed assault at the Lloyd D. George Federal Courthouse on January 4, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 399) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 399

Whereas on January 4, 2010, during an assault at the entrance of the Lloyd D. George Federal Courthouse in Las Vegas, Nevada, Court Security Officer Stanley Cooper was fatally wounded and died heroically in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas Deputy United States Marshal Richard J. "Joe" Gardner was wounded in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas the Court Security Officers and members of the United States Marshals Service and the Las Vegas Metropolitan Police Department acted swiftly and bravely to subdue the gunman and minimize risk and injury to the public; and

Whereas the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, and the law enforcement officers who responded to the attack prevented additional harm to innocent bystanders: Now, therefore, be it

Resolved, That the Senate—

(1) commends the brave actions and quick thinking exhibited by Court Security Officer Stanley Cooper during the assault at the entrance of the Lloyd D. George Federal Courthouse on January 4, 2010;

(2) offers its deepest condolences to the family and friends of Court Security Officer Stanley Cooper, who valiantly gave his life in the line of duty;

(3) commends Deputy United States Marshal Richard J. "Joe" Gardner for his actions and bravery in responding to the assault;

(4) wishes Deputy United States Marshal Richard J. "Joe" Gardner a speedy recovery from the wounds he sustained in the line of duty; and

(5) applauds the Court Security Officers and members of the United States Marshals Service and Las Vegas Metropolitan Police Department for their brave and courageous actions in responding to the assault at the Lloyd D. George Federal Courthouse.

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.

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

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

ORDERS FOR JANUARY 27 AND 28, 2010

Mr. DURBIN. I ask unanimous consent when the Senate completes its business today, it adjourn until 8:20 p.m. on Wednesday, January 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and at 8:30 p.m. the Senate proceed as a body to the Hall of the House to hear an address from the President of the United States; that upon conclusion of

the Joint Session, the Senate adjourn until 9:30 a.m. on Thursday, January 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 45, the debt limit, as provided for under the previous order; further, I ask that when the Senate resumes consideration of H.J. Res. 45, there be 1 hour for debate equally divided and controlled between the two leaders or their designees, with Senator SANDERS controlling 15 minutes of majority time prior to the first vote.

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

PROGRAM

Mr. DURBIN. Mr. President, the Senate will not be in session until 8:20 p.m. tomorrow because of the Republicans' 1-day issues conference.

Tomorrow is the State of the Union Address and Senators are encouraged to gather in the Senate Chamber at 8:20 p.m. so that we may proceed to the Hall of the House at 8:30 p.m. to hear President Obama's address.

Senators should expect a series of five rollcall votes to begin as early as 10:30 a.m. on Thursday. Those votes will be in relation to the debt limit resolution.

Also, under a previous order, following the series of votes Thursday morning, there will be 1 hour for debate prior to a cloture vote on the Bernanke nomination.

Mr. President, I would like to clarify my unanimous consent request, and that is that there be 1 hour of morning business before the 1 hour of debate closing.

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

Mr. DURBIN. And the acknowledgment of Mr. SANDERS' right to control 15 minutes be part of that.

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

ADJOURNMENT UNTIL 8:20 P.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the provisions of S. Res. 397, as a further mark of respect for the late Senator Mathias of Maryland.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, January 27, at 8:20 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

ELISABETH ANN HAGEN, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY, VICE RICHARD A. RAYMOND, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:
KAREN L. ZENS, OF THE DISTRICT OF COLUMBIA
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:
DAVID W. FULTON, OF VIRGINIA
THOMAS E. MOORE, OF VIRGINIA
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:
MARIA J. ANDREWS, OF MISSOURI
MICHAEL A. LALLY, OF NEW YORK
JOHN M. MCCASLIN, OF OHIO
REGINALD A. MILLER, OF VIRGINIA
RICHARD STEFFENS, OF NEW JERSEY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. BYRON C. HEPBURN

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JEFFREY N. COLT
COLONEL PETER A. DELUCA
COLONEL ROBERT M. DYESS, JR.
COLONEL DONALD M. MACWILLIE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID A. NORDSTRAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HELEN K. CROUCH
MICKRA H. KING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RANDALL B. DELL
EDDIE P. SANCHEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES T. HUGUELET
ROBERT LEE
KENNETH B. MCKAY
MICHAEL E. SAVAGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GLENDA K. M. GRONES
TERESA W. RYAN
SANDRA G. STEBLIN
MONA P. TERNUS
NANCY A. WESTBROOK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANK J. ARCHER
DAVID B. CARMACK
MATTHEW J. CAZAN
JAMES W. DICKEY
LEE H. DIEHL
SHARON H. EVERS
APRIL S. FITZGERALD
DOUGLAS E. HEMLER
KRISTINE H. HENDERSON

KARL M. LARSEN
GEZA V. LORANTH
GUY R. MOISE
DEBORAH L. MUELLER
BONNIE J. NOWACZYK
EDUARDO SAN MIGUEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS J. PIZZOLO
MICHAEL K. SAVAGE
CLIFFORD ZDANOWICZ, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

TARN M. ABELL
JOSEPH ALMODOVAR
ROSS R. ANDERSON
COURTNEY J. ARNOLD
LAEN D. AUGUST
THOMAS L. AYERS
JAMES R. BARKLEY
SAMUEL A. BELLIA
HELEN K. BIRCHENOUGH
LISA A. BOYCE
DONALD R. BUCKLEY
JOHN H. BURLING
CHRISTINE M. CARTAYA
RICHARD M. COCKLEY
DAVID E. DAVIS
THOMAS B. DAVIS
STEPHEN R. DAY
GARY W. DICKINSON
TED A. DOEDERLEIN
BRIAN M. DWYER
SAMUEL L. ELKINS
KEVIN R. FESLER
JAMES B. FINNEY
DALE A. FORMAN
YVES T. FUHRMANN
SCOTT D. GAHRING
TERENCE J. GIBSON
ERNEST M. GOODMAN
ANNE B. GUNTER
MICHAEL P. HAMES
DOUGLAS L. HARRISON
KATHY S. HASH
CATHLEEN A. HAVERSTOCK
HUBERT C. HEGTVEDT
ROBERT W. HEHEMANN
JOHN M. HILLYER
DANA M. HOWARD
ERIC A. JORGENSEN
KENNETH L. KEMPER
CATHERINE K. KLEMAN
KEITH A. KNUDSON
TRACI L. KUEKERMURPHY
CRAIG L. LAFAVE
BRENDAN P. LEWIS
STEVEN T. LIDDY
TEDDY A. LUKE
JAMES T. MAIN
MARTHA J. MANN
TODD A. MANNING
JENNIFER A. MARRS
TIMOTHY J. MCCOY
JOHN D. MCKAYE
TONY H. MCKENZIE
PATRICE A. MELANCON
MARK D. METZ
MICHAEL E. MICHNO
DENISE M. MINNICK
JOSE R. MONTEAGUDO
BRADFORD G. MONTGOMERY
ELLEN M. MOORE
JEFFREY S. MULLEN
MYLES P. MURPHY
CHARLENE N. NELSON
ROBERT S. OATES
RICHARD W. PARKINSON
CRAIG C. PETERS
JAMES M. PHILLIPS
TERESA M. PITTS
DAVID L. POND
CARL E. PRICE
PAUL R. PRYOR
BRYAN P. RADLIFF
WESLEY C. REED
RUSSELL P. REIMER
MARK J. ROBERTS
ELWIN A. ROZYSKIE
BARRY A. RUTLEDGE
SCOTT A. SAUTER
LANE A. SEAHOLM
HOUSTON A. SEWELL

PATRICK A. SHOPE
ROBERT J. SIANI
MARK E. SIGLER
PATRICK G. SLATTERY
TAMMY L. SMEEEKS
RONALD J. STAUFFER
MATHIAS J. SUTTON
ELIZABETH A. SYDOW
LLOYD I. TERRY
PAUL T. THEISEN
KIMBERLY A. THOMPSON
MARYBETH P. ULRICH
CONSTANCE M. VONHOFFMAN
EDWIN O. WALLER
ROBERT S. WEAVER
PATRICK W. WEBB
JOHN B. WILLIAMS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LOUIS GEVIRTZMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

BRENDA M. ARZU
JOHN W. HUSTLEBY
CLAUDE L. LOVELL III
TONY P. MEYER
JOHN R. MILLS

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DAVID W. TERHUNE

To be commander

PETER G. MAYER
CESAR C. SANTOS

To be lieutenant commander

LEO C. ALTAMIRANO
LISA E. BERGER
VIRGILIO A. CANTU
JOHN D. HARRAH, JR.
DAREN R. MEALER
CORY L. RUSSELL
OMAR SAEED
DET R. SMITH

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ERIC R. AKINS
MARK B. ALLEN
LARRY J. ARBUCKLE
LARRION D. CASSIDY
BRIAN L. COCHRAN
JOSHUA P. CORBIN
JANUARY J. CRIVELLO
JOHN M. CYCYK
TIMOTHY J. DEBELAK
DANIEL R. FULTON
PRESTON W. GILMORE
LEONARDO GIOVANNELLI
PATRICK A. GRIFFIN
JOHN W. HAMILTON
KARL D. HOERSTER
DAVID A. JOHNS
DAVID J. LATTA
JASON E. MUCH
BRIAN T. MURPHY
LEWIS J. PATTERSON
REGINALD N. PRESTON
PATRICK K. PRUITT
CRAIG M. REPLOGLE
DARIN R. RIGGS
GREGORY K. RING
MATTHEW R. SHELLOCK
MATTHEW F. THOMPSON
ADAM B. WEINER
MICHELLE D. WEISSINGER
SCOTT T. WILBUR