United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, APRIL 15, 2010 *No. 53*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Dr. Vaughn W. Baker, pastor of Christ United Methodist Church in Fort Worth, TX.

The guest Chaplain offered the following prayer:

Let us pray.

Gracious and loving God, the One in whom we live and move and have our being, we call upon You this day, seeking Your blessing in this U.S. Senate. We call upon You for wisdom and courage, knowing that without You we can do nothing but also knowing that in You we can do all things.

We remember that every good and perfect gift comes from You, the Father of lights, and we seek Your presence and blessing in all we do this day. We remember the words of Scripture which remind us, saying, ''Blessed is the nation whose God is the Lord.''

We thank You for the sacred gift and trust given to us in the Senate, looking to You in all things, through Christ, in whose Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND 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, there will be a period of morning business today as soon as I finish. There will be 10 minutes for each Senator. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the extension of unemployment benefits and others. Yesterday, I filed cloture on the substitute and the bill. The filing deadline for first-degree amendments is today at 1 p.m. Currently, we have two Coburn amendments pending. We would like to dispose of those amendments and complete action on the bill today. I have had some conversations with Senator COBURN, and he believes we can finish this today. I would hope we can. If others have amendments to offer, I would hope they would do it as soon as possible. The reason for that is that we could finish early today and allow people to make arrangements for tomorrow. Right now, people are scheduled out for tomorrow. If we can get out early today, they can make other arrangements for tomorrow. People simply have to decide if we are going to have to be here tomorrow morning. The sooner we have the Republicans tell us that, the better off we will be.

Madam President, I would ask the Chair to now announce morning business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

ORDER OF PROCEDURE

Mr. REID. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be charged equally on both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

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

FINANCIAL REFORM

Mr. MCCONNELL. Madam President, two things have become increasingly clear over the past week in the debate about the need to protect taxpayers from the mistakes of Wall Street: No. 1, both parties are united in the need to take action—we agree on that—and No. 2, the bill our colleagues across the aisle are insisting on as the remedy is seriously flawed.

The good news is that the bill can be improved, and both sides have expressed a willingness to make the changes needed to ensure without any doubt—without any doubt—that this bill would not allow future bailouts of Wall Street banks. We need to make sure future bailouts of Wall Street banks never occur again.

I was encouraged to hear the President yesterday acknowledge that it is his hope that the bill which emerges from this debate will not allow for bailouts. I share that hope. Republicans believe the solution is for the bipartisan talks to resume between Chairman DODD and Ranking Member SHELBY and others and not for one side to insist on a take-it-or-leave-it approach.

Like the President, I hope we can get back together and address this very important issue on a bipartisan basis. Republicans and Democrats alike believe the flaws in the Democratic bill—flaws that would allow taxpayer dollars to bail out Wall Street banks—can and should be corrected. Let's get this done. Let's take away any possibility that taxpayers will once again be told they will be on the hook for mistakes on Wall Street.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

NUCLEAR SECURITY SUMMIT

Mr. CASEY. Madam President, I rise to speak this morning about two topics. One is the recent work the President has done on nuclear security and some progress we have made this week, and the issue of tax policy in the United States of America.

First, I rise today to talk about the threat posed by nuclear terrorism and the historic progress made by President Obama and his administration at the Nuclear Security Summit this week and some observations on Iran's nuclear program.

The threat posed by so-called loose nuclear material is real. We know that more than 2,000 tons—2,000 tons—of plutonium and highly enriched uranium exist in dozens of countries with a variety of peaceful as well as military uses. There have been 18 documented cases of theft or loss of highly enriched uranium or plutonium—that is 18 documented cases—throughout the world.

In September of 1961, President Kennedy addressed nuclear weapons in a speech to the United Nations General Assembly. He said:

> Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or madness.

Today, the threat of a nuclear strike is more likely to come from terrorist actors, not a state. These groups are harder to deter because they may not have a geographic base. Moreover, they are not threatened by the concept of mutually assured destruction.

President Obama noted that we are paradoxically more vulnerable today to a nuclear attack than we were during the Cold War. Today's sword of Damocles still hangs by the slenderest of threads, but we have the ability to prevent this threat by minimizing the access such terrorist groups would have to nuclear materiel.

So what did the United States accomplish at the Nuclear Security Summit? First, I believe it was important for the President to elevate this threat in the minds of international leaders, particularly among the so-called nonaligned movement—those nations across the world that are not aligned on these issues.

Many leaders around the world do not see nuclear terrorism as an existential threat. This summit was an important first step towards accurately defining the threat that nuclear terrorism holds for us all and building broad political support for higher security standards.

This political support is important because we can't stop nuclear terrorism on our own. Securing nuclear materials requires the active participation of a host of actors including governments, militaries, border guards, parliaments, intelligence services, local law enforcement, and citizens. We need increased vigilance and an understanding that a nuclear strike anywhere in the world will have a profound impact on us all.

The administration was also able to attract concrete support for several initiatives. In fact, every country in attendance pledged to do more to tighten regulation of nuclear materials and several made concrete commitments to comply with international treaties on nuclear security. Most notably, our allies decided to do the following: By way of example, Canada returned a large amount of spent highly enriched uranium fuel from their medical isotope production reactor to the United States and committed to funding highly enriched uranium removals from Mexico and Vietnam; Chile removed all highly enriched uranium in March; Italy and the U.A.E. signed Megaports agreements with the U.S. which will include installation of detection equipment at ports; Kazakhstan will convert a highly enriched uranium research reactor and eliminate its remaining highly enriched uranium; Mexico will convert a highly enriched uranium research reactor and eliminate their remaining highly enriched uranium by working through IAEA; Norway will contribute $3.3 million over the next 4 years to the IAEA nuclear security fund which are flexible funds for activities in developing countries; Russia signed the Plutonium Disposition protocol, decided to end plutonium production and will make contributions to the International Atomic Energy Agency's Nuclear Security Fund; finally, Ukraine will remove all highly enriched uranium by the next Nuclear Security Summit in 2012 and half of it by year's end.

This conference was only the beginning of a renewed international focus on fulfilling commitments to U.N. resolution 1540 and the nuclear nonproliferation treaty. In December, representatives from each participating country will reconvene to measure commitments made against concrete results. This effort to focus the international community will lead to even more tangible progress looking ahead to the next nuclear security summit in Seoul in 2012.

Ultimately, real progress will be found in the consistent enforcement of rules already in place for monitoring and controlling the establishment and movement of nuclear material in these countries. This is not exciting work but very important as countries safeguard and reduce their weapons-grade material, and we will begin to build a more secure future.

I was also encouraged at President Obama's ability to use the summit to continue building support for strong sanctions on Iran. I believe that his face to face meeting with President Hu will pay dividends as the U.N. Security Council negotiated a resolution imposing sanctions on Iran. Given China's recent opposition to new sanctions, I was encouraged by President Hu's apparent willingness to consider the resolution. We are not there yet, but the administration has laid the diplomatic groundwork necessary for a strong sanctions package. We need to move forward on this pressure track and we need to move quickly.

At the end of March, I traveled to the International Atomic Energy Agency—IAEA—in Vienna for an update on its work to track the Iranian nuclear program. While I was impressed with the agency staff and leadership of Director General Yukiya Amano, I came away convinced that the international community needed to do more to confront Iran's nuclear program.

My concerns have grown with reports that Iran may be planning two additional nuclear enrichment sites. In a recent interview with the Iranian Student News Agency, the head of Iran's

Atomic Energy Organization said President Mahmoud Ahmadinejad had ordered work to begin soon on the two new enrichment plants. The plants, he said, ''will be built inside mountains,'' presumably to protect them from attacks.

If Iran's nuclear program were peaceful in nature, they would have nothing to hide from international inspectors. Iran has all but rejected the Geneva deal of October 1, 2009, that would have seen Iran's low enriched uranium—L.E.U.—shipped out the country and the eventual return of uranium enriched to 20 percent, well below weapons grade, for use in a Tehran medical research reactor. Iran would have agreed to this very good deal offered repeatedly by the international community if it wanted a nuclear program for medical and other peaceful purposes.

If the United States is committed to demonstrating that international law is not an empty promise, obligations must be kept and treaties must be enforced so that the Iranian regime knows we mean business. The Iranian regime must face penalties for violating its commitments to the U.N. and the IAEA. France, the United Kingdom, the U.S., China, Russia and Germany have made serious attempts to engage with Iran through the P5+1 process. These efforts have been repeatedly rebuffed and in some cases scorned by the regime in Tehran. Iran's leaders continue to pass up extraordinary opportunities to integrate their country with the rest of the world, a desire felt by so many of Iran's citizens.

I supported these engagement efforts as a means towards changing the behavior of the regime. Unfortunately, it has not worked. Noncompliance with the U.N. and IAEA must have consequences and the international community must move quickly to show Iran that we are serious.

During my trip, I also attended a conference on transatlantic relations in Brussels with American and European leaders. I called on our European allies to support an aggressive multilateral sanctions package and was heartened to see that many participants heeded this call to action. I appeared on a panel alongside Yossi Kuperwasser, Deputy Director General of the Israeli Ministry of Strategic Affairs, who also made an impassioned appeal to those assembled, not only on behalf of Israel but the broader international community. Iran's pursuit of nuclear weapons would spark an arms race in the region, which does not advance Iran's or any other country's security. The clock is ticking, he said, and free people around the world have a shared interest in stopping Iran's nuclear program.

I could not agree more with our friend from Israel when he made that statement.

TAX POLICY

Next, I will move for a few moments to the other topic I want to speak about briefly, tax policy. We are in this season of not only taxes—the focus on Tax Day, it is April 15—but we are also in the season of debate about the budget and about our economic future. That is as it should be. But I think when we step back and look at what has happened over the last 18 months or so, we see, and I think the evidence is abundantly clear now, that Democrats in the Senate, working with President Obama and a very few number of Republicans, have provided meaningful tax cuts to hard-working middle-class families throughout America.

Through the American Recovery and Reinvestment Act, the so-called stimulus bill, or the recovery bill as I like to call it, we will continue to fight to provide this kind of tax relief for middle-income families so they can fully reap the benefits of their hard work and stabilize their families' finances.

I think, on this side of the aisle, if we look at the record of the last more than a year, we have been on the side of middle-income families as they work very hard to make ends meet in a very difficult economy. I think this record stands in stark contrast with the record of our Republican friends who tried to sell their tax breaks over the past decade as beneficial to all Americans, when in reality they gave away nearly $3 trillion—let me say that again—$3 trillion in tax cuts to the wealthiest 20 percent of U.S. households.

What happened after that? Our economy went into the ditch, and we have been in the ditch for far too long. At the same time that was happening, Democrats were trying and have been succeeding in making sure we understand what middle-income families are up against. In the past year, Democrats have provided 98 percent of Americans with a tax cut. A new study shows middle-class tax cuts included in the recovery bill have saved taxpayers an average of $1,158 on their tax returns this year. Every single working- and middle-class family and individual—and here we are talking about the bottom 80 percent of income earners—have received a tax cut.

This analysis accounts for the following parts of our policy: First, the Making Work Pay tax credit, which has been available to 94 percent of all working families and individuals; second, changes to the child tax credit; third, an increase in the earned-income tax credit; and, finally, relief from the alternative minimum tax, as well as a new, partially refundable education tax credit. The cite for this is Citizens for Tax Justice, April 13 of this year.

I think the record is pretty clear when it comes to recent history on tax policy. Democrats have been on the side of middle-income families, providing tax cuts for so many Americans who were not getting that kind of relief before. Republicans in Washington have a long record of making sure wealthy Americans get their tax cuts. But what we see from that is an economy in the ditch. We are thankfully moving out of that ditch.

We saw in January and February of 2009 more than 1.5 million jobs lost. Contrast that with January and February of 2010. There was much less job loss, in the tens of thousands, and even by the revised estimates actual growth in jobs, certainly growth in jobs in the month of March 2010. I think the record is pretty clear.

With that, I yield the floor for my colleague from Delaware, Senator KAUFMAN.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

IN PRAISE OF THELMA STUBBS SMITH

Mr. KAUFMAN. Madam President, I rise once again to speak about one of our Nation's great Federal employees.

We have just returned to Washington, and I know we have a long and busy work period ahead in the Senate. All of us will be relying on our staff—especially our schedulers and personal assistants—to keep us abreast of the latest vote schedules and meetings with constituents and colleagues.

I cannot overstate how much those of us in positions of leadership depend on the hard work and expertise of those who keep us organized and ever-prepared. This is not just true for me and my colleagues in the Senate but also for Members of the House, Cabinet Secretaries, agency heads, and other senior officials.

That is why I have chosen to honor as this week's great Federal employee a woman whose long career did so much to help keep our Nation safe during the Cold War.

Thelma Stubbs Smith served for over 40 years in the Defense Department as a personal assistant.

She worked for seven consecutive Secretaries of Defense—both Republican and Democratic. Before that, Thelma served under six Assistant Secretaries in the Department.

A native of Chicago, Thelma began her public service career during World War II, when she worked for the Selective Service System and the Office of Price Administration. After the war, she worked as a secretary at the Veterans Administration before coming to Washington to work for the Pentagon's Guided Missiles Committee.

Thelma briefly served on the staff of Illinois Congressman Melvin Price in 1952, but she soon returned to the Pentagon.

In the 1950s and 1960s, Thelma served as the personal assistant to six Assistant Secretaries of Defense, including William Bundy, John McNaughton, and Paul Nitze. During this time, she began accompanying them on what would later total 85 trips overseas during her career. As part of her duties during that period, she worked closely with Secretary Robert McNamara.

One of the most harrowing moments in her life came on the 13th day of the

Cuban Missile Crisis. Thelma spent that evening personally burning important cables and notes in a small office at the Pentagon, as they were too sensitive to be shredded with other papers. When she finally left after midnight, she was one of the few Americans who knew just how precarious the situation was, and she could not say with certainty whether the Pentagon would be there the next morning.

But, thankfully, that morning came.

In 1969, when Melvin Laird was confirmed as Secretary of Defense, he asked Thelma to serve as his personal assistant. She agreed to do so on a temporary basis.

I know personally how a ''temporary basis'' can evolve into a life's pursuit. When JOE BIDEN asked me to help him set up his Senate office in 1972, I took a 1-year leave of absence from my job with the DuPont Company, and I ended up staying with JOE BIDEN for 22 years.

In that way, Thelma began her service as the personal assistant to every Secretary of Defense from Melvin Laird to Frank Carlucci.

During the course of her service, Thelma visited every corner of the world. She was awarded 10 Meritorious Civilian Service Medals and the Secretary of Defense Medal for Distinguished Public Service, which is the highest medal a civilian employee of the Pentagon can earn.

A paragon of professionalism and discretion, Thelma always answered those who urged her to write a book by saying that ''It would be 500 blank pages, and the title would be 'My Lips are Sealed.'''

All of us who serve in positions of leadership with enormous responsibility to the American people owe so much to great organizers and assistants like Thelma.

I know firsthand how Thelma's dedication to public service was passed on to her family. Her daughter, Sheryl Rogers, and son-in-law, Geoff Rogers, have lived in my home State of Delaware for over 20 years, and both were Federal employees as staffers here in the Senate.

Sheryl used to work in the office of former Virginia Senator John Warner, and Geoff spent a few years in then-Senator JOE BIDEN's office, back when I was chief of staff.

Thelma, now retired, resides in Northern Virginia, not far from the Pentagon, where she served for so many years.

I hope my colleagues will join me in honoring the great contribution Thelma Stubbs Smith has made to our Nation as well as thanking all those who serve as personal assistants in the Defense Department and across our government.

They are all truly great Federal employees.

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

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

The bill clerk proceeded to call the roll.

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

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

FINANCIAL REFORM

Mr. CORKER. Madam President, I come to the floor today to talk about financial reform. I know we have a number of issues before the body right now, and it will be a couple of weeks, maybe 3, before this body takes up what I think is a very important piece of legislation, financial reform.

It is something the Banking Committee has been having hearings on now for about a year and a half. It is an issue that I think is very important to our country and Americans from all walks of life. At present, the bill that has come out of the committee is a partisan bill. It came out of committee on a 13–10 vote; came out of committee, believe it or not, a 1,336-page bill, came out in 21 minutes with no amendments, on a party-line vote and no debate.

I could talk a lot about this function and activities on both sides of the aisle that may have put us where we are today. But the fact is, we have a very important piece of legislation that is getting ready to come before this body. It is one I believe we need to deal with in a bipartisan way.

The stated reason by the chairman of the committee as to why we handled the bill the way we did in committee a few weeks ago—not to have amendments, not to debate the bill—was to, after the bill came out of committee, negotiate a bipartisan bill before it came to the floor and then have a debate on some of the smaller issues.

There has been a lot of rhetoric flying around here over the last couple of weeks, some of which came from the White House, some of it came from the Democratic leadership, some of it came from our side of the aisle. It is evident that what is happening right now, instead of seeking a real bipartisan bill, what is happening is, one member, two members, two members on the Republican side are being reached out to to try to snag somebody and to make that, in fact, a bipartisan bill.

That is not my understanding of what a good bipartisan bill is. That certainly was not my understanding as to why the Banking Committee handled the bill the way we did. Again, I want to say one more time, a 1,336-page bill, coming out of committee in 21 minutes with no amendments.

The reason that was done, or the stated reason, was so the two sides would not harden against each other, and that before the bill actually came to the floor, we would reach a true bipartisan amendment.

I came here to try to solve problems for our country and put in place good policy. I think everybody knows I have worked hard, along with others on our side of the aisle, to reach a real, solid, good bipartisan bill, a bill that ends too big to fail. I think everybody in this country, on both sides of the aisle, of all walks of life, wants to expunge from the American vocabulary the fact that any company in this country is too big to fail.

The bill that has come out of committee tried to address that. There are many good provisions in the bill under the title of ''Orderly Liquidation'' that deal with that. But what happened at the very end was, as one would expect, Treasury got involved, the FDIC got involved. They wanted to create some flexibility for themselves, as any agency or administration wishes to have. But in creating that flexibility, that foam on the runway, as some would call it, what has happened is we actually have a bill that does not end too big to fail.

It is my belief—and I had a colloquy with my friend from Virginia yesterday, Senator WARNER—that we could solve that in about 5 minutes. Maybe that is an exaggeration, maybe it is 15, maybe it is 30.

But the fact is, there are provisions that we know could fix this piece of legislation so that it ends any chance of a company seeping through, if you will, and actually being bailed out. My guess is, if we again sat down as adults we could solve that problem. As a matter of fact, I think some of that activity, some of those discussions actually began yesterday.

I think all of us want to make sure that consumers are protected. There is no question, both sides of the aisle understand that in many ways there needs to be more transparency, there needs to be more accountability.

I had some great negotiations with Senator DODD from Connecticut. We reached a middle ground. I will say that again. We reached a middle ground. We had an understanding that leadership on our side of the aisle was in agreement with. What I would say is let's get back there. Let's get this consumer protection, let's get this new agency back in the middle of the road, let's protect consumers, and let's make sure at the same time that it does not undermine the safety and soundness of our financial system. We can do that. We can do that in 2 or 3 or 4 days. It can be done. It is not that complicated. We have worked through many of the issues.

On to revenue. I could not agree more that we need to make sure that we use, to the extent we can, a clearinghouse to make sure when companies are trading in derivatives, and they are money baths at the end of the day, they settle up. They get back into a position where they are even. They put up collateral. They put up cash to make sure they are not money baths, so that we do not end up in the same position we were when AIG had not done that, had not trued up on a daily basis, and they found themselves with huge liabilities that they could not own up to which destabilized our financial system.

That is not where we need to be. But we know what we need to do. Look, this is a very complex piece of legislation. There is no doubt. It is intellectually challenging to try to work through it and try to make sure that you do not have unintended consequences by not fully seeing what a piece of legislation or a sentence may do.

But the fact is, we can do this. This is not that heavy. It is my understanding that the chairman of the Banking Committee plans to bring this bill forward on April 26, maybe a week later. It is my understanding we may deal with some other issues. Maybe it is the first week of May.

What I would say to everybody in this body, and anybody who may be watching, is we can easily reach a bipartisan consensus on this. We have to have the ability to sit down and do that.

I consider it not a good-faith effort to, instead of sitting down with many of the principals who have been involved in this from day one, the chairmen and ranking members on the committees, instead of sitting down and creating a template—it doesn't have to address every single issue but a template on the floor that deals with it—instead of doing that, reaching out and trying to find one person to come over, I don't consider that a good-faith effort. I am sorry. I hope that type of activity will end. That is not what has been stated as to how we can reach a bipartisan bill.

Let me go back to the template. This is complex, this piece of legislation. To me what we need to do is sit down together. We could have it done in a week. We need to sit down together and work through the main issues in this template. Let's deal with derivatives, with consumers. Let's deal with systemic risk and orderly liquidation. There will be issues of Members on our side of the aisle where there is no way we could reach agreement on in our own caucus, and I know there are issues on the other side of the aisle on which their caucus will not be able to reach agreement, having to do with governance, some of the security issues that may exist in title IX. Let's debate those issues on the floor. My guess is that if we did that, there are going to be some amendments adopted that I don't think are particularly good ideas. There will be some amendments adopted that my friends on the other side of the aisle would not think are particularly good ideas. But at the end of the day, we would have come to the floor with a template that on the big issues we have reached bipartisan agreement, and then we could have amendments to debate on the floor, some of the other issues that may delve down into details that don't necessarily change the entire bill but address issues that Members in this body think are important.

I consider it an honor to serve in this body. I have enjoyed this more than any issue we have dealt with, trying to reach a consensus on this financial regulation bill. There is plenty of fault to go around on both sides that does not need to be rehashed at this moment. The fact is, we are where we are. We are getting ready to deal with a major piece of legislation. There are numbers of people on both sides of the aisle who have spent a lot of time trying to understand the complexities of these issues. I am proud of the work Members on both sides of the aisle have done to try to understand these issues in a real way. Let's get those folks together. Let's sit down and work out the template. Let's bring a real bipartisan bill to the floor, not a bill where they go out and make a deal with one person and bring them over, and maybe there are other things going on at the same time. That is not what I call a bipartisan bill. Let's bring it to the floor. Let's debate it. Let's do what the people all across this country have elected us to do. Let's come to the floor and act like adults. Let's tone down the rhetoric. Let's don't exaggerate the pluses or the minuses.

Let's do what the Senate was created to do. We were supposed to be the cool heads. We were supposed to be the people who took some of the red-hot activities that sometimes come from the other body and sat down with cooler heads and resolved the issues like adults. We can do that. As a matter of fact, I would say, if we cannot do that on financial regulation, an issue that doesn't have any real philosophical bearings to it—there are some differences in points of view, but at the end of the day, we all want to make sure we address financial regulation in an important way, that we do what we can to alleviate risk in the system without stifling innovation.

I think everybody still wants this country to be the world leader in financial innovation. But we want to do so in a manner that doesn't create risk, that doesn't upset our economy, that doesn't have periods of time where we have such risk and instability that people are unemployed. We all want to do that.

I say to my friends on the other side of the aisle, I believe a commitment was made. I took it as a real commitment that after this bill came out of committee, we were going to sit down like adults and reach a bipartisan agreement on a template that would be brought to the floor and debated. I took that as a commitment. I expect that commitment to be honored. I look forward to that process beginning.

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

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

The bill clerk proceeded to call the roll.

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

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

A VISION FOR NASA

Mrs. HUTCHISON. Madam President, later today, President Obama will travel to the Kennedy Space Center in Florida. He will visit with employees and officials there and deliver a speech on his vision for NASA. We have begun to learn the details about some of what the President may be announcing, but so far nothing has been suggested that alleviates the concerns I expressed earlier this week. In fact, I am growing more concerned. I have serious questions about the administration's proposed vision.

For example, the President is proposing to rely on a commercial space launch industry that is still in its infancy. Once the space shuttle is retired, a commercial vehicle would be the only American human spaceflight capability for the foreseeable future. Further, we are about to complete the International Space Station and begin the period of scientific research we have been waiting for. For the past 10 years, we have waited for the space station to be up and running and operable. At the same time that it is now becoming operable, we are beginning to phase out the space shuttle program. That is the only means we have to deliver crew and cargo to the space station. We are nowhere close to having an alternative to the shuttle, whether government operated or commercial operation.

Congress and the President agree we should extend the life of the space station to at least 2020. That only makes sense because we have invested $100 billion in this space station. Our partners are international. We have contractual commitments to our partners who have also made huge investments in the space station. Yet now we are looking at stopping our shuttle at the end of this year so the alternatives will be limited. We must be certain the space station can be supplied and maintained with the spare parts and equipment it needs to operate for the next 10 years. It may well be that equipment needed to ensure the sustainability of the space station can only be delivered by the space shuttle.

I introduced legislation last month to require NASA to conduct a review of station components and identify anything that might be needed to be delivered to equip it for its research mission. Of course, NASA could do that review right now without legislation. I urge General Bolden, the NASA Administrator, to undertake such a review, particularly in light of the space shuttle not being extended under the President's proposal. It is still possible we could extend the time between the shuttle flights to deliver the necessary materials to the station. That is an option I believe we need to preserve. It would prolong the time we could put our own astronauts into space with our own vehicle that we know is reliable.

That is the key. We don't have to add more into the budget. The budget already provides for two more space shuttles this year, plus one that would

be a contingency. We have this paid for in the budget. If we will only extend these out, it will give us so many more national options that would be in America's best interest. Without a NASA-managed alternative for human access to space, we will be dependent on the Russian Soyuz rockets to take American, European, Japanese, and Canadian crew members to the space station. Today it is a cost of $56 million per passenger. That price could go up, if we end the space shuttles this year. We don't know what the next contract might have, especially when it is realized that we will have no capability and are shutting down our own capabilities at the time that we would be asking for help from the Russians.

Of even more concern is the possibility that without a shuttle or other alternative, any failure of the Soyuz for any period of time could leave the space station abandoned to become an orbiting example of space debris. What if something happened to the Russian program? What if the commercial industry that is fledgling doesn't come up with an alternative or, worse yet, what if they go out of business? These are the concerns the President is not addressing in his budget for NASA. I hope he will become more willing to look at the long-term consequences of what he is proposing to do, if we are going to retain our leadership position in space, in economics, and in security.

These and other concerns have been expressed by a number of other individuals, editorial boards, and organizations over the past days.

I ask unanimous consent to have printed in the RECORD letters and editorials expressing serious reservations about the President's plan and its adverse impact to our Nation's future leadership in space.

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

[An Open Letter to President Obama, Apr. 13, 2010]

The United States entered into the challenge of space exploration under President Eisenhower's first term, however, it was the Soviet Union who excelled in those early years. Under the bold vision of Presidents Kennedy, Johnson, and Nixon, and with the overwhelming approval of the American people, we rapidly closed the gap in the final third of the 20th century, and became the world leader in space exploration.

America's space accomplishments earned the respect and admiration of the world. Science probes were unlocking the secrets of the cosmos; space technology was providing instantaneous worldwide communication; orbital sentinels were helping man understand the vagaries of nature. Above all else, the people around the world were inspired by the human exploration of space and the expanding of man's frontier. It suggested that what had been thought to be impossible was now within reach. Students were inspired to prepare themselves to be a part of this new age. No government program in modern history has been so effective in motivating the young to do ''what has never been done before.''

World leadership in space was not achieved easily. In the first half-century of the space age, our country made a significant financial investment, thousands of Americans dedicated themselves to the effort, and some gave their lives to achieve the dream of a nation. In the latter part of the first half-century of the space age, Americans and their international partners focused primarily on exploiting the near frontiers of space with the Space Shuttle and the International Space Station.

As a result of the tragic loss of the Space Shuttle Columbia in 2003, it was concluded that our space policy required a new strategic vision. Extensive studies and analysis led to this new mandate: meet our existing commitments, return to our exploration roots, return to the moon, and prepare to venture further outward to the asteroids and to Mars. The program was named ''Constellation.'' In the ensuing years, this plan was endorsed by two Presidents of different parties and approved by both Democratic and Republican congresses.

The Columbia Accident Board had given NASA a number of recommendations fundamental to the Constellation architecture which were duly incorporated. The Ares rocket family was patterned after the Von Braun Modular concept so essential to the success of the Saturn 1B and the Saturn 5. A number of components in the Ares 1 rocket would become the foundation of the very large heavy lift Ares V, thus reducing the total development costs substantially. After the Ares 1 becomes operational, the only major new components necessary for the Ares V would be the larger propellant tanks to support the heavy lift requirements.

The design and the production of the flight components and infrastructure to implement this vision was well underway. Detailed planning of all the major sectors of the program had begun. Enthusiasm within NASA and throughout the country was very high.

When President Obama recently released his budget for NASA, he proposed a slight increase in total funding, substantial research and technology development, an extension of the International Space Station operation until 2020, long range planning for a new but undefined heavy lift rocket and significant funding for the development of commercial access to low earth orbit.

Although some of these proposals have merit, the accompanying decision to cancel the Constellation program, its Ares 1 and Ares V rockets, and the Orion spacecraft, is devastating.

America's only path to low Earth orbit and the International Space Station will now be subject to an agreement with Russia to purchase space on their Soyuz (at a price of over 50 million dollars per seat with significant increases expected in the near future) until we have the capacity to provide transportation for ourselves. The availability of a commercial transport to orbit as envisioned in the President's proposal cannot be predicted with any certainty, but is likely to take substantially longer and be more expensive than we would hope.

It appears that we will have wasted our current $10-plus billion investment in Constellation and, equally importantly, we will have lost the many years required to recreate the equivalent of what we will have discarded.

For the United States, the leading spacefaring nation for nearly half a century, to be without carriage to low Earth orbit and with no human exploration capability to go beyond Earth orbit for an indeterminate time into the future, destines our nation to become one of second or even third rate stature. While the President's plan envisages humans traveling away from Earth and perhaps toward Mars at some time in the future, the lack of developed rockets and spacecraft will assure that ability will not be available for many years.

Without the skill and experience that actual spacecraft operation provides, the USA is far too likely to be on a long downhill slide to mediocrity. America must decide if it wishes to remain a leader in space. If it does, we should institute a program which will give us the very best chance of achieving that goal.

NEIL ARMSTRONG,
Commander, Apollo 11.
JAMES LOVELL,
Commander, Apollo 13.
EUGENE CERNAN,
Commander, Apollo 17.

[From the Orlando Sentinel, Apr. 12, 2010]

DEAR PRESIDENT OBAMA, America is faced with the near-simultaneous ending of the Shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown. We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future.

For those of us who have accepted the risk and dedicated a portion of our lives to the exploration of outer space, this is a terrible decision. Our experiences were made possible by the efforts of thousands who were similarly dedicated to the exploration of the last frontier. Success in this great national adventure was predicated on well defined programs, an unwavering national commitment, and an ambitious challenge. We understand there are risks involved in human space flight, but they are calculated risks for worthy goals, whose benefits greatly exceed those risks.

America's greatness lies in her people: she will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes that objective impossible.

One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear; your NASA budget proposal raises more questions about our future in space than it answers.

Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and determination necessary to keep our nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of the space frontier for a lack of will or an unwillingness to pay the price.

Sincerely, in hopes of continued American leadership in human space exploration.

Walter Cunningham, Apollo 7; Chris Kraft, Past Director JSC; Jack Lousma, Skylab 3, STS–3; Vance Brand, Apollo-Soyuz, STS–5, STS–41B, STS–35; Bob Crippen, STS–1, STS–7, STS–41C, STS–41G, Past Director KSC; Michael D. Griffin, Past NASA Administrator; Ed Gibson, Skylab 4; Jim Kennedy, Past Director KSC; Alan Bean, Apollo 12, Skylab 3; Alfred M. Worden, Apollo, 15; Scott Carpenter, Mercury Astronaut; Glynn Lunney, Gemini-Apollo Flight Director; Jim McDivitt, Gemini 4, Apollo 9, Apollo Spacecraft Program Manager; Gene Kranz, Gemini-Apollo Flight Director, Past Director NASA Mission Ops.; Joe Kerwin, Skylab 2; Fred Haise, Apollo 13, Shuttle Landing Tests; Gerald Carr, Skylab 4; Jim Lovell, Gemini 7, Gemini 12, Apollo 8, Apollo 13; Jake Garn, STS–51D, U.S. Senator; Charlie Duke, Apollo 16; Bruce McCandless, STS–41B, STS–31; Frank Borman, Gemini 7, Apollo 8; Paul Weitz, Skylab 2, STS–6; George Mueller, Past Associate Administrator For Manned Space Flight; Harrison Schmitt, Apollo 17, U.S. Senator; Gene Cernan, Gemini 9, Apollo 10, Apollo 17; Dick Gordon, 63, Gemini 11, Apollo 12.

POSTPONE THE SPACE SHUTTLE RETIREMENT

As the Space Shuttle program marches closer to its apparent end, NASA's future is now in jeopardy more than perhaps at any time in history. An underfunded Constellation program has suffered a series of delays which will likely push the first manned flight of Ares I with the Orion Crew Exploration Vehicle back to 2017. The Shuttle is on track to be retired near the end of 2010 after five more missions to the International Space Station (ISS), leaving a gap in US launched manned missions of at least seven years. The US, which has funded approximately $60 billion of the $100 billion ISS price tag, will soon find itself in an embarrassing position of buying seats on Russian vehicles to get its astronauts to and from the ISS. Further, and incredibly, the US is currently only funded to operate and maintain the ISS to 2015, just five years after its projected completion date.

NASA's plans to retire the Shuttle in 2010 are intended to redirect money to Constellation, a program which will not only send Orion to the ISS, but also explore beyond low earth orbit (LEO); i.e. go to the moon, Mars, and beyond. The Shuttle retirement, though, would yield sole access to the ISS to Russia for the currently projected seven-year gap. Thus, much of the public is bewildered by our government's desire to spend so much capital on such a crowning achievement, the ISS, and not consider it valuable enough to preserve our own independent access to it. I believe the American public's thirst for US leadership of manned space exploration will ultimately support NASA's desires to explore beyond LEO; however, Americans will be cautious in their support by first demanding we be good stewards of their current 60-billion-dollar investment. To do that, we need to extend the operational life of the ISS, guarantee our access to it by flying Shuttle through the gap, and robustly fund science research aboard the ISS.

Some insist we need to retire the Shuttle as soon as possible for safety concerns. I disagree. For sure, the Shuttle fleet is aging, as indicated by the fact that Endeavour, our newest Shuttle, first flew in 1992. Still, it is my personal belief that every Shuttle mission continues to be safer than the previous one. While components on board the Shuttle are aging, the redundancy designed into the system is remarkable. Every day we get better at understanding the hazards associated with the mission, as indicated by our inspection techniques, repair procedures, external tank foam improvements, etc. NASA mission management teams give me great confidence that we are getting better at this business each and every mission. If we are comfortable with flying the currently remaining five missions (and I am quite certain we are), then I argue we should not be afraid to continue to fly the Shuttle through the gap.

Others argue that commercial alternatives exist to ferry our astronauts to and from the ISS. Not quite yet. Our commercial industry is indeed getting closer to attaining the ability to send unmanned spacecraft to the ISS as resupply ships. Ultimately, these companies may produce spacecraft safe enough for human travel to LEO. However, I would not bet the future of the ISS on commercial access for crewmembers happening much sooner, if at all, than Orion is capable of flying to the ISS in 2017. Thus, this option cannot be considered a viable ''gap filler'' at this point.

So, our choice is to accept a seven-year gap (or more) of no dedicated US access to the ISS or continue to fund the Shuttle through this gap. It will cost three billion dollars per year to maintain the Shuttle infrastructure and support at least two resupply/crew rotation missions per year. Thus, we need approximately an additional 20 billion dollars to fill the entire gap with Shuttle flights. An extra 20 billion dollars is a substantial amount of money. However, in the context of today's trillion-dollar annual deficit and 800-billion-dollar stimulus package, an extra 20 billion dollars spread over seven years is a bargain for what the Space Shuttle brings to our country. Not until Orion or a commercial alternative is indeed ready and capable of transporting our astronauts to and from the ISS, should we consider retiring the Space Shuttle. I believe our best approach to convince the public to ultimately support our exploration beyond LEO is to first deliver significant scientific payback with the ISS, and guaranteeing this payback requires we maintain our own, uninterrupted, access to it. The future of NASA and our manned exploration of space must include flying the Shuttle through the gap, whatever that gap may be.

LEE ARCHAMBAULT.

[From the Washington Times, Apr. 13, 2010]

LOSING IT IN SPACE

Pity poor NASA. Rather than reaching toward the stars, America's premier scientific organization has settled its sights on studying shrimp schools beneath the Antarctic ice cap and sticky accelerators on Toyotas. Such is the scope of hope and change in President Obama's universe.

In his 2011 budget, the president zeroed out NASA's Constellation project, the package of launch and landing vehicles that were to replace the aging space shuttle fleet to carry Americans into space. As a candidate, Mr. Obama said he ''endorses the goal of sending human missions to the moon by 2020, as a precursor in an orderly progression to missions to more distant destinations, including Mars.'' The O Force changed its mind. Killing the Constellation project means billions wasted while space-flight hardware collects dust. ''Yes we can'' has become ''mission impossible.''

This is not a cost-cutting move. The agency is budgeted to receive $19 billion next year, and Mr. Obama wants to throw an additional $6 billion at it over five years. The hitch is he wants to shift its mission toward climate research and airplane design. Anxious to stay relevant, NASA agreed to research the cause of Toyota's sudden-acceleration problem.

NASA administrator Charles Bolden said Thursday that federal money is budgeted for fostering the growth of the commercial space industry, including the development of space taxis. But if the results of the president's stimulus are any indication, command economic policy is an inefficient generator of jobs.

Sen. Kay Bailey Hutchison, Texas Republican, has argued that the most practical move would be to keep funding the space shuttle program until a replacement vehicle is ready. That way, the nation would maintain the continuity of space travel and avoid further erosion of its faltering space program.

As NASA's wings are clipped, our competitors soar. The U.S. space agency even had to sign a $340 million deal with Russia on April 6 to transport astronauts to the International Space Station through 2014. By then, China intends to conduct an ambitious schedule of flights with its Shenzhou spacecraft. It doesn't take much imagination to envision the day when NASA must pay its Asian competitor large sums for American astronauts to ride into orbit as passengers. Thanks to Mr. Obama, the United States will be dependent on Russia and China for space travel.

The space program is a great symbol of the American spirit of achievement. The day this nation cedes the conquest of space to others is the day we admit that we have forfeited our competitive exceptionalism. Earth-centric activities like the study of the Antarctic shrimp ecosystem and automobile anomalies should be left to others. A less-costly NASA should be relieved of extraneous responsibilities and allowed to retain its core mission—one that no other agency can accomplish—the exploration of space.

On behalf of all Americans, Floridians should make certain the president gets the message loud and clear when he hosts a conference about the agency's future on Thursday in the Sunshine State: Let NASA be NASA.

[From the Wall Street Journal, Apr. 14, 2010]

FEUD OVER NASA THREATENS AMERICA'S EDGE IN SPACE

(By Andy Pasztor)

After dominating space for a half century, the U.S. is mired in a political fight that threatens its leadership role and ambitions for manned exploration.

President Barack Obama travels Thursday to the Kennedy Space Center to try to salvage his plans to re-energize the National Aeronautics and Space Administration, but experts say U.S. manned space travel will likely be grounded for years longer than previously expected.

The Florida summit comes amid an escalating battle between the White House and Congress over the fastest and least expensive way to revitalize the space program. Mr. Obama has been pushing ambitious plans for start-up companies to ferry astronauts into space on private rockets. Congress, meanwhile, is bent on defending NASA's traditional rocket and spacecraft programs, which the Obama administration wants to kill.

The White House believes NASA's current projects are too expensive and will take too long to deliver. Mr. Obama is betting that private enterprise can fill the gap—carrying astronauts and cargo to the space station—until a resurgent NASA can deliver more advanced space vehicles.

But lawmakers, industry officials and scientists say they fear that for the first time

since the glory days of the Apollo moon landings, the U.S. will end up without a clear plan, destination and timetable for sending astronauts deeper into the solar system.

At stake is more than national pride. Losing the lead in space has national-security and industrial consequences. Such industries as shipping, airlines and oil exploration depend on orbiting satellites to gather and send essential data. TV signals, cell phones, ATMs, some credit card machines and many Internet connections rely on space technology. Recent estimates peg global civilian and military spending on space and space-related technologies at more than $260 billion annually.

At the same time, the Pentagon views space as a frontier where foes will try to undermine U.S. security.

The importance of space has drawn the European Union and more countries into the race. Russia, China, India and Brazil all have, or are determined to create, robust space programs. By 2016, China aims to develop and test a heavy-lift booster capable of blasting five tons of cargo into orbit—a timetable far more ambitious than anything on NASA's drawing board.

With retirement of the space shuttle in a few months, the U.S. was already facing the prospect of hitching rides for up to five years on Russian spacecraft to reach the international space station.

Some experts say the current political fight could leave the U.S. with no way to blast astronauts deeper into space until close to 2020. Initial optimistic hopes of returning U.S. astronauts to the moon by the end of the decade could be delayed another ten years or more, these experts say.

Neil Armstrong, the first astronaut to walk on the moon, Apollo 13 commander Jim Lovell and Gene Cernan—the last human to walk on the moon—warned in an open letter this week that the president's plan ''destines our nation to become one of second- or even third-rate stature.'' Buzz Aldrin, another icon of U.S. space travel, has supported the president's plan.

Burt Rutan, the aerospace engineer who was the first person to send a privately built and designed craft into space, warned that NASA could be crippled within a few years, allowing international rivals to take the lead.

The retirement of the space shuttle program initiated a chance to chart a new course for the U.S. space program, said experts, but instead triggered conflict that is as much political as technological.

Congress wants to save NASA's existing exploration program, called Constellation, which was expected to produce 25,000 jobs and more than $60 billion in contractor revenue over its lifetime.

As originally conceived, Constellation was a $100 billion project to take astronauts into orbit, and later to deploy next-generation rockets and landers to explore the moon and, eventually, pave the way for manned exploration of Mars.

The White House believes the Constellation program will take too long and that a fresh approach is required. Lawmakers say they are skeptical of the president's plan to entrust core functions of the space program to untested start-up companies.

NASA chief Charles Bolden, a former astronaut, said Mr. Obama's visit to Florida would persuade doubters that ''he is dedicated to exploration and human space flight'' and ''committed to a vibrant future'' for NASA.

The president also plans to provide details on a few concessions, such as retaining a small portion of the Constellation program, as well as announcing that workers who lose their jobs when the space shuttle retires will be eligible for retraining and other benefits, according to people familiar with the matter.

Those involved in talks over the future of the U.S. space program say the most likely outcome is a compromise that may satisfy politicians but probably won't provide enough funding for either program to get off the ground quickly. ''That just drags out the pain and slows everything down for a long time,'' said Brewster Shaw, head of Boeing Co.'s space-exploration division.

Mr. Obama, who often recounts watching NASA launches as a youngster perched on his grandfather's shoulders, says he hopes to lead the agency through a historic shift.

To chart a new course, he selected Mr. Bolden and Lori Garver, a former NASA policy official and proponent of commercial space travel, as advisers. Ms. Garver, now the No. 2 official at NASA, headed the administration's transition team for the agency.

One of the first things Ms. Garver said she did was to ''look under the hood'' of the Constellation program. She didn't like what she found. The program was years behind schedule and over budget, and she said she had doubts about its long-term viability.

Ms. Garver also played a big role in naming a presidential panel to assess NASA. Led by former Lockheed Martin Corp. Chairman Norman Augustine, the panel released a report in October that was critical of the agency. The study concluded that without a substantial infusion of new money and ideas, Constellation would wither and NASA would become increasingly irrelevant.

A small group of administration officials, including White House science chief John Holdren and his chief of staff Jim Kohlenberger, set out to begin dismantling the Constellation project.

''The fact that we poured $9 billion into an un-executable program really isn't an excuse to pour another $50 billion into it and still not have an executable program,'' Mr. Kohlenberger later said of the project. The money would be better used, he and his colleagues concluded, on commercial space transportation.

The White House aides envisioned a bevy of space taxis—designed, built and operated by private enterprise—that could take astronauts to and from the space station. This earth-to-orbit job would rely on young companies and relatively untested technologies.

Space Exploration Technologies Inc., started by 38-year-old PayPal founder Elon Musk, for example, only had about 40 employees in 2004. Its largest rocket is still waiting for its first test flight, but SpaceX has a good chance of ending up as a key part of NASA's plans to transport both astronauts and cargo to the space station. Another entrant is Orbital Sciences Corp, a midsize NASA supplier that hopes to parlay its commercial efforts into securing a prime contract for manned programs.

Big contractors such as Lockheed Martin Corp. and Boeing Co. would also play a role but wouldn't be as intensely involved.

Supporters say the president's approach would create thousands of high-tech jobs and game-changing technologies. It would also free up NASA to deal with more difficult, longer-term projects, such as developing powerful boosters and in-orbit refueling systems making it possible to reach distant planets.

But the administration failed to persuade lawmakers and didn't make it easy for its staff. Mr. Bolden said he didn't get final numbers from the White House about the impact of Constellation's proposed demise until hours before the budget was released in February. Only then, he said, did ''we really know what the budget was going to be.''

Hours after announcing that NASA was betting on a group of entrepreneurs to deliver pioneering technologies, Mr. Bolden said he felt more comfortable with the agency's traditional contractors. ''I would be lying,'' he acknowledged in an interview, ''if I said I don't have some greater comfort with a Boeing'' than a fledgling company.

Ms. Garver was also slow to disclose the proposed project cancellations to NASA's biggest suppliers, such as Boeing, Lockheed Martin and Alliant Techsystems Inc.

Even the Florida summit sparked friction. White House aides initially encouraged lawmakers to organize the event, but then decided to do it themselves. Aides to Mr. Obama then promised to reserve tickets for any members of Congress who wanted to attend, according to legislators and staffers. But invitations were later limited, according to a White House email this week that blamed Democratic Congressional leaders and apologized for ''any misunderstanding.''

Mrs. HUTCHISON. I will highlight a number of quotes from these documents. Let me start with a letter by three of our Nation's renowned astronauts, true American heroes: Neil Armstrong, the first man to set foot on the Moon, commander of Apollo 11; James Lovell, commander of Apollo 13; and Eugene Cernan, commander of Apollo 17.

In an open letter to the President, these space pioneers state that although some of the President's proposals have merit, ''the decision to cancel the Constellation program, its Ares 1 and Ares V rockets and the Orion spacecraft, is devastating.''

They say:

America's only path to low Earth orbit and the International Space Station will now be subject to an agreement with Russia to purchase space on their Soyuz (at a price of over 50 million dollars per seat with significant increases expected in the near future) until we have the capacity to provide transportation for ourselves. The availability of a commercial transport to orbit as envisioned in the President's proposal cannot be predicted with any certainty, but is likely to take substantially longer and be more expensive than we would hope.

It appears that we will have wasted our current $10-plus billion investment in Constellation and, equally importantly, we will have lost the many years required to recreate the equivalent of what we will have discarded.

For The United States, the leading space faring nation for nearly half a century, to be without carriage to low Earth orbit and with no human exploration capability to go beyond Earth orbit for an indeterminate time into the future, destines our nation to become one of second or even third rate stature. While the President's plan envisages humans traveling away from Earth and perhaps toward Mars at some time in the future, the lack of developed rockets and spacecraft will assure that ability will not be available for many years.

Without the skill and experience that actual spacecraft operation provides, the USA is far too likely to be on a long downhill slide to mediocrity. America must decide if it wishes to remain a leader in space. If it does, we should institute a program which will give us the very best chance of achieving that goal.

That is all from the letter signed by Neil Armstrong, James Lovell, and Eugene Cernan.

In another letter to President Obama, 27 space experts, including astronauts, former NASA Administrators, and program managers make the following points:

America is faced with the near-simultaneous ending of the Shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown. We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future.

For those of us who have accepted the risk and dedicated a portion of our lives to the exploration of outer space, this is a terrible decision. . . .

America's greatness lies in her people: she will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes that objective impossible.

One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear; your NASA budget proposal raises more questions about our future in space than it answers.

That is all from the letter that was signed by 27 people who have dedicated their lives to America's space exploration.

In an open letter by astronaut Lee Archambault, who was a pilot of *Atlantis* in 2007 and *Discovery* in 2009, he says:

As the Space Shuttle program marches closer to its apparent end, NASA's future is now in jeopardy more than perhaps at any time in history. . . .

The Shuttle retirement . . . would yield sole access to the International Space Station to Russia for the currently projected seven year [U.S. human spaceflight] gap. . . .

Others argue that commercial alternatives exist to ferry our astronauts to and from the International Space Station. Not quite yet. Our commercial industry is indeed getting closer to attaining the ability to send unmanned spacecraft to the International Space Station as resupply ships. Ultimately, these companies may produce spacecraft safe enough for human travel to low Earth orbit. However, I would not bet the future of the International Space Station on commercial access for crewmembers happening much sooner, if at all, than Orion is capable of flying to the International Space Station in 2017. Thus, this option cannot be considered a viable ''gap filler'' at this point. . . .

Not until Orion or a commercial alternative is indeed ready and capable of transporting our astronauts to and from the International Space Station, should we consider retiring the Space Shuttle. . . . The future of NASA and our manned exploration of space must include flying the Shuttle through the gap, whatever that gap may be.

Finally, this week, in an editorial from the Washington Times entitled ''Losing It in Space,'' the editorial from the Washington Times says:

Pity poor NASA. Rather than reaching toward the stars, America's premier scientific organization has settled its sights on studying shrimp schools beneath the Antarctic ice cap and sticky accelerators on Toyotas. Such is the scope of hope and change in President Obama's universe.

The editorial goes on to say:

In his 2011 budget, the president zeroed out NASA's Constellation project, the package of launch and landing vehicles that were to replace the aging space shuttle fleet to carry Americans into space. . . .

This is not a cost-cutting move. The agency is budgeted to receive $19 billion next year, and Mr. Obama wants to throw an additional $6 billion at it over [the next] five years. The hitch is he wants to shift its mission toward climate research and airplane design. Anxious to stay relevant, NASA agreed to research the cause of Toyota's sudden-acceleration problem.

NASA administrator Charles Bolden said Thursday that federal money is budgeted for fostering the growth of the commercial space industry, including the development of space taxis. But if the results of the president's stimulus are any indication, command economic policy is an inefficient generator of jobs.

It goes on to say:

As NASA's wings are clipped, our competitors soar. The U.S. space agency even had to sign a $340 million deal with Russia on April 6 to transport astronauts to the International Space Station through 2014. By then, China intends to conduct an ambitious schedule of flights with its Shenzhou spacecraft. It doesn't take much imagination to envision the day when NASA must pay its Asian competitor large sums for American astronauts to ride into orbit as passengers. Thanks to Mr. Obama, the United States will be dependent on Russia and China for space travel.

The editorial goes on:

The space program is a great symbol of the American spirit of achievement. The day this nation cedes the conquest of space to others is the day we admit that we have forfeited our competitive exceptionalism. Earth-centric activities like the study of the Antarctic shrimp ecosystem and automobile anomalies should be left to others. A less-costly NASA should be relieved of extraneous responsibilities and allowed to retain its core mission—one that no other agency can accomplish—the exploration of space.

On behalf of all Americans, Floridians should make certain the president gets the message loud and clear when he hosts a conference about the agency's future on Thursday—

Today—

in the Sunshine State. Let NASA be NASA.

That is the editorial from the Washington Times earlier this week.

Let me remind my colleagues that the Augustine Committee, which the Obama administration asked to review the Nation's human space flight activities, used a subtitle for its report which proposed a set of options for a space program ''worthy of a great nation.'' The items I have submitted for the RECORD reflect the thoughts and feelings of many of those who gave us a space program that was worthy of greatness. I believe their words represent a challenge that Congress and the President must meet.

In a few hours, President Obama will share the details of his latest vision for our Nation's future space program. I still remain hopeful the President will come away from this visit today with a deeper understanding of what is at stake in our Nation's history of space exploration. I renew my offer to work with the President and my congressional colleagues to come up with a plan that makes sense for America.

The principles necessary to bridge the gap between the President and Congress have been set forward by the bipartisan legislation I have introduced and has also been introduced on the House side. All that is needed to align these principles with the President's goals and existing budget realities is a willingness to take the same risks that have been hallmarks of our Nation's commitment to space exploration.

Some people would say we have to cut the budget somewhere. Why not here? The answer is, this does not cut the budget. The President's proposal does not cut the budget. It increases the budget. It turns the money over to private companies that are as yet unproven to try to do something we have already made a $10 billion investment in and cut it off. When it is cut off, we will lose all that has been gained. The engineering, the science, the research that has gone into the space station will be lost. Those people will go into other areas. We will not be able to recreate it. But yet we have not cut the budget a penny. What we have done is squander the capability for America to continue to be the leader of the world in innovation, in creativity, and most certainly in taking the risk to explore the heavens, which has produced so many results in our country.

It has produced results for national defense capabilities. We are using satellites to put bombs into windows from miles out so we will not have collateral damage and hurt innocent people. We learned that by exploring the heavens. We now have Velcro. We have MRIs. We have health benefits that we could never have had without the research we did to go into space.

Now we have a $100 billion investment in a space station that will specialize with NIH and other agencies in doing research that cannot be done on the ground because of the microgravity conditions. Yet we are stopping the capability, at the end of this year, for Americans to go into space under our own auspices. This is not sound policy for our country. I am urging the President to listen to people such as Neil Armstrong and Eugene Cernan and Jim Lovell and former administrators who have knowledge that is beyond mine or his about what we can do for the future.

We need to rethink the position that is being announced today and remember that America's greatness is dependent on our creativity and our entrepreneurial spirit. Stopping midtrack and turning everything over to private companies that are in their fledgling stage is not the answer.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

EXTENSION OF MORNING BUSINESS

Mr. MCCAIN. Madam President, I ask unanimous consent to extend morning business for up to 10 minutes.

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

Mr. MCCAIN. I thank the Chair.

TAX DAY

Mr. MCCAIN. Madam President, today is April 15, perhaps the most dread day of the year for the American taxpayer. At some point today, millions of people will engage in a painful, complicated, and uniquely American exercise: filing their Federal tax returns.

According to the Tax Foundation, Americans worked well over 3 months this year—over 3 months; from January 1 to April 9—before they had earned enough money to pay this year's tax obligations at the Federal, State, and local levels. Congress has succeeded in establishing a pattern of taxing and spending to the point that the average American must work a full 99 days of the year just to pay their taxes.

Sadly, while we continue to spend and spend and spend here in our Nation's capital, the tax burden carried by the average American gets heavier and heavier and heavier.

On September 12, 2008, in Dover, NH, then-candidate Obama said this:

I can make a firm pledge. Under my plan, no family making less than $250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

Another interesting quote from then-candidate Obama.

According to data released yesterday by the House Ways and Means Committee, since January of 2009, President Obama and the congressional Democrats have enacted into law gross tax increases totaling more than $670 billion or more than $2,100 for every man, woman, and child in the United States of America. A list of tax increases includes at least 14 violations of the President's pledge not to raise taxes on Americans earning less than $200,000 for singles and $250,000 for married couples.

For example, there is a new tax on individuals who don't purchase government-approved health insurance. There is a new tax on employers who fail to fully comply with government health insurance mandates. There is a new 40-percent excise tax on certain high-cost health plans. There is a new ban on the purchase of over-the-counter drugs using funds from FSAs, HSAs, and HRAs. There is an increase from 7.5 percent to 10 percent of income, the threshold after which individuals can deduct out-of-pocket medical expenses. There is a new $2,500 annual cap on FSA contributions. There is a new annual tax on health insurance. There is a new annual tax on brand-name pharmaceuticals. There is a new 2.3-percent excise tax on certain medical devices. There is a new 10-percent tax on indoor UV—ultraviolet—tanning services. There is a new tax on insured and self-insured health plans, and it is double the penalty for nonqualified health savings accounts distributions. There is a tobacco tax increase. There are Federal unemployment surtaxes which have been extended through 2011, and there are more and more on the list.

In addition to the financial burden associated with all of the tax increases heaped upon the American people in the past year, taxpayers face the added anxiety of a complicated, antiquated, and oversized Tax Code. Let's look at what Americans go through every year in order to meet the April 15 deadline as reported by National Review Online.

As April 15 approaches like an incoming monsoon, millions of Americans brace for the pain of writing checks to the IRS. Even worse, this annual discomfort begins even earlier, as taxpayers generate a cyclone of documents just to calculate their tax liability. America's excruciatingly complex tax-compliance regime deepens the aggravation of sending hard-earned cash to Washington for virtual incineration by Congress.

Completing tax reforms required 7.75 billion hours of human labor in the 2008 fiscal year, according to the latest reginfo.gov data. That roughly equals 3.7 million people—or everyone in Los Angeles—filling out IRS forms for 40 hours every week, all year, without vacations.

That involves more workers than those at the Fortune 500's five biggest employers—

The National Taxpayers Union's David Keating concludes in a forthcoming report—

more than everybody at Wal-Mart, UPS, McDonald's, IBM and Citigroup combined.

Keating also found that:

Individual taxpayers would devote some 2.3 billion hours grappling with the income tax in 2010 at an equivalent labor cost of $71.4 billion. Add to this the $31.5 billion that individual taxpayers will cough up for tax software, accounting services, photocopying, and other compliance-related expenses. All told, individual taxpayers will spend $103 billion to determine how much more money they must pump into the Beltway.

Meanwhile, the IRS Web site now offers 1,909 different documents, which is up from 1,770 last year. These include the riveting form 8833: Treaty-Based Return Position Disclosure Under Section 6114, or 7701(b). And don't miss Form 990–W: Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations. This year's basic 1040 tax return includes 76 lines and 174 pages of instructions, up from 68 lines and 52 pages in 1985.

Last year, the National Taxpayers Union calculated that U.S. corporations spent $159.4 billion on tax compliance, equal to 54 percent of corporate income tax revenue. In 2008, General Electric's tax returns droned on for some 24,000 pages.

It is abundantly clear we are on a path to fiscal disaster. David Walker, the former head of the Government Accountability Office and current president and CEO of the Peter G. Peterson Foundation and one of the most respected budget experts in the Nation, recently said:

The financial condition of the United States has deteriorated dramatically in recent years. Importantly, our primary fiscal threat is not today's deficit and debt levels, but the structural deficits and escalating debt burdens that will occur after the economy has recovered, unemployment is down, the ''wars'' are over, and the recent crises have passed. These large and growing structural deficits and the tens of trillions in unfunded federal government promises that drive them serve to threaten the future of our country and our families. We must begin to take steps now to put our Federal financial house in order. In addition, we must achieve some meaningful reforms within the next three years in order to help avoid a ''crisis of confidence'' that could have much worse economic consequences for America, Americans, and the world than the recent housing and financial crisis.

Today, all over America, there will be people demonstrating at tea parties, at gatherings, at organizations, at coffee shops, at restaurants, at places of business at the water cooler. People all over America will be talking today about this incredible, complex, difficult, burdensome system we have laid on the American people. It is fundamentally unfair and fundamentally incomprehensible to average citizens.

Most citizens, after they file their tax returns, will now live in some concern, if not grave concern, that they may have made a mistake because of this incredibly complex document from the agency we call the IRS and the tax bills we have. These American citizens can't be positive—even if they have gone to an accountant—that they will not be audited and then subject to further penalties.

We need to clean up the Tax Code. We need to stop the spending. We need to restore the confidence of the American people. There is a veritable uprising going on out there. It is a peaceful one. It is all over America. On a day like today, when they see their taxes have increased by some $670 billion just in the last year, this will fuel the fire that is spreading across America and will culminate this coming November.

Madam President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is now closed.

CONTINUING EXTENSION ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4851, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

Pending:

Baucus modified amendment No. 3721, in the nature of a substitute.

Coburn amendment No. 3726 (to amendment No. 3721), to pay for the full cost of extending additional unemployment insurance and other Federal programs.

Coburn amendment No. 3727 (to amendment No. 3721), to pay for the full cost of extending additional unemployment insurance and other Federal programs.

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

Mr. COBURN. Madam President, I appreciate Senator REID working with us. We are going to try to work through the amendments we have left today and hopefully get this taken care of tonight. Our intent has not been to slow down but to pay for this.

I wish to discuss amendment No. 3726, which has already been called up and is pending. I don't believe there is another pending amendment at this time; is that correct?

The ACTING PRESIDENT pro tempore. Amendment No. 3727 is also pending.

Mr. COBURN. That is my amendment as well. Thank you.

Yesterday we defeated, by a vote of 51 to 46, actually smart financial management that would have paid for all the costs for the next 60 days for the unemployment insurance. What we were doing was utilizing money that we are already paying interest on that is sitting, not being used, by taking a portion of that to pay for this so that we don't go and borrow another $18.2 billion. The wisdom of the Senate said, no, we don't want to do that.

We are going to have today two other opportunities on a way to finance that. This amendment basically takes the agreed-to tax loophole, which we agreed to before we left for the spring work period, and adds to that half as much of the financial management money that I recommended we do yesterday and the amendment was defeated. So we have about $9.5 billion worth of tax loophole closures that we have already agreed to in this amendment and $20 billion, which will save $10 billion in terms of the way CBO scores it—it is ridiculous the way they score it, but in terms of the way they score it, we have to move $20 billion so we can save $10 billion.

The point is that we get an option: we can borrow another $18.2 billion to pay for this or we can take money we are already utilizing very inefficiently and pay for it. We are going to choose not to do it again, and we will probably get another 46 or 47 votes. But we are going to choose to transfer the cost of helping people today to our grandchildren because in my lifetime we are not going to pay back any of this money. We are going to be borrowing and paying interest on this $18.2 billion over the next 30 years. So the cost really isn't $18.2 billion; it is $18.2 billion times 6 percent, times 106, times 106, times 106. It will end up costing our kids $60 billion or $70 billion because we are going to refuse to pay for something we ought to be doing.

What we are also not going to do is make tough choices about priorities, as every family in this country has to do. We are going to refuse to do that. We are going to say we are going to keep the bad habit, the thing that got us $12.85 trillion in debt, the thing that got us $75 trillion in unfunded liabilities. We are going to continue that process. We are going to continue that process until such time that we can no longer borrow the money. That is what it seems like to me. In other words, only until we cannot go to the world markets and finance debt against our children's future are we not going to change the habits in the Senate or in the Congress.

Of every dollar we spend this year, 43 cents will be borrowed. What are the long-term consequences of that? Very plainly speaking, it is a lower standard of living for those who follow us, a marked decrease in opportunity, a loss of freedom, an inhibition in entrepreneurial spirit, and truly an unwinding of what was the gift that was given to us, which was this great opportunity and this great freedom.

We don't often make the connection between freedom and debt as a government, but we do personally because when we are highly in debt as individuals, our choices start to get limited. If you are in a business that has a high degree of debt, your choices are limited by those who loan you the money because they start getting involved in your decisionmaking process.

If you really look at our foreign policy today, that is happening to us with what we are trying to do in terms of sanctions on Iran. What are the two nations that own the most of our debt and are also least likely to agree with us on harsh sanctions for Iran? They are China and Russia. They are the No. 1 and No. 2 holders of our bonds. So we are giving up tremendous flexibility and freedom.

I put forward that if we cannot find $18.2 billion in our Federal Government as we run it today, which will spend over $4 trillion this year, none of us need to be here. We need a whole new 100 Senators if we cannot find $18.2 billion. But the institutional stodginess of always doing it the same old way is inhibiting us from creating a bright future for our children.

I won't detail the exact tax loophole closures we have, but we have agreed they can be utilized for this purpose—Senator BAUCUS, Senator REID, Senator MCCONNELL, and myself—and they come to a total of $9.756 billion. To properly manage our money instead of having money sitting that has been appropriated but not obligated—and there is almost $900 billion sitting out there this year in the agency that is not utilized—to not utilize that money is foolhardy.

My hope is that my colleagues will consider at some point in the future that we have to start making harder choices.

I understand the bias against it. It eliminates somebody's control of power. But where should the power be in this country? Should it be in the Senate or should it be in the American people?

Do the American people want us to pay for this? Absolutely. Five to one think anything we are doing new we ought to be paying for. Yet it is going to skid through here today, and we are going to add another $18.2 billion over the next 60 days that we do not have to, but we are going to choose specifically to do so.

I wish to leave with one last point on this amendment. When we say there is nothing else that we can eliminate in the Federal Government to pay for this legislation, what we are saying is all the waste, all the fraud, all the duplication is more important than helping people with unemployment insurance. If it was less important, we would eliminate it and pay for the unemployment. But by not paying for it, by not making the choice to pay for it, what we have said is we have elevated everything else above this as a priority. We refuse to do what every other business, what every other family, what every other organization, except the Federal Government, has to do; that is, make tough choices.

In my State of Oklahoma, the legislature and the Governor right now are making tough choices. They are going to cut several hundred million dollars from our budget. I promise you, they are going to look at what is least important so they can continue to fund what is most important. We will have none of it. We have demonstrated none of it. We lack the character and courage to do what is best for the future.

AMENDMENT NO. 3727

Now let me talk about amendment No. 3727, which is, again, another opportunity, another way to pay for this good thing we want to do. It also has two components.

The first component utilizes the agreed-to closure of tax loopholes of

$9.7 billion. But then it gives us a real chance to do some real good things to eliminate spending that is low priority.

There are 14 spending provisions that I propose eliminating in this amendment. Many have been endorsed by President Obama and President Bush and, before him, President Clinton. In the past 3 months, the President has endorsed five of these offsets, the House passed four of them, and the Senate passed one identical to one section in section 203.

What is the first one? According to the Government Accountability Office, we paid out $1.1 billion to dead farmers. That is over the last 7-year period. Forty percent of those payments were people who had been dead more than 3 years. Most people in America would say: Maybe you ought to eliminate that. Maybe farmers who have been dead for more than 3 years should not continue to get payments from the government. It will save us $1.1 billion over 10 years if we hold the Department of Agriculture accountable to not continue to make payments to people who are not deserving of them.

We recently passed a Feingold amendment to the FAA bill that rescinds any DOT earmarks that remain 90 percent or more unobligated after 9 years of being appropriated, with the possibility of holding funds one more year for earmarks the agency head believes will be funded within the following 12 months.

The only difference between what we passed and this amendment is that this section applies to all agencies, not just the Department of Transportation. The Secretary of the Department of Transportation endorsed the Feingold amendment.

If it works for the Department of Transportation, why would we not do that everywhere on earmarks? It is $500 million in savings immediately. We cannot quantify through the CBO what it will be in the future, but it will probably be at least that every year.

Another section is the President's request to eliminate a duplicative bus grant program. This would repeal the Inner-City Bus Security Grant Program. President Obama recommended this $12 million program be eliminated because the grant awards are not based on risk and it is duplicative of the Public Rail Transit Security Grant Program that is already out there and much less important than any other homeland security priorities. It saves us $120 million.

In other words, the President does not want it, the Department of Transportation does not want it, but somebody who is getting that grant somewhere is going to say: No, we cannot do that, even though there is a duplicative program already in place to take care of it.

Section 235 of this amendment would repeal the Resource Conservation Development Program. President Obama recommended this $51 million program be eliminated because it has outlived its need for Federal support. It was first begun in 1962 as a temporary program. It was intended to build community leadership skills through the establishment of RC&D councils that would access Federal, State, and local funding sources. These councils are now up and running—secure funding with continued operation without any money coming from RC&D. It saves $510 million. Why would we continue to spend the money? The President, the leader of our country, agrees with it. It has been voted on several times. But it will be voted against today because somebody somewhere is still sucking off this in a way that is not efficient and is not a priority for the country.

Section 236 would repeal the Brownfields Economic Development Initiative. President Obama recommended this program be eliminated because it is duplicative of a larger, more efficient Federal program, and local governments have access to many other public and private funds that address the same purposes.

This was designed to assist cities with redevelopment of abandoned, idle, and underused industrial and commercial facilities where expansion and redevelopment is burdened by real potential environmental contamination. They eliminated almost all of those, and we have a better program now taking care of it, which goes back to the habits of Congress. We create new programs to address the need of what some may think the present program is not doing rather than change the present program.

Here the administration, as well as the Bush administration, agreed we should eliminate that program. That is $180 million over 10 years.

Section 237: This provision would repeal water and wastewater treatment projects administered by the U.S. Army Corps of Engineers. President Obama recommended eliminating these projects. They are duplicative, and they are outside the scope of the Corps of Engineers. That is what private civil engineering firms do. They plan, build, and organize these events. The Corps of Engineers has stated they do not have the expertise to do these projects, which the Environmental Protection Agency normally funds through other grants in the Revolving Fund Loan Program.

Since these programs were first funded in 1992, they have been exclusively funded through earmarks. In other words, somebody put something special in for one city or one place through an earmark. It may not be the highest priority for the country. It may very well just be a priority for the State, but it has been exclusively funded through earmarks, special interests, lobby-generated earmarks. It saves $1.29 billion over 10 years.

Section 238: This provision would repeal the Rail Line Relocation Program. President Obama has twice recommended eliminating this program because it is not merit based—in other words, if you are well connected, you get it, but if you have a real need and somebody else has a lower need, you are not going to get it—and it duplicates other Federal programs that are larger and that are merit based.

The grant program is primarily earmarked, again; 75 percent of it gets earmarked every year. What happens is the administrators of the grants do not get the grants based on need and merit because a Senator has already said it will go here instead of into a pool of the greatest need. Again, duplicating an existing program that is more efficient, that is based on merit. It is a slush pot of money for earmarks.

We will hear lots of complaints about eliminating that program, even though the administration wants to get rid of it as well. Savings: $340 million.

Section 239: Enacting rescissions offered and passed by the House leadership. This would rescind $112 million from a Commerce Department program designed to provide coupons to households to help people buy analog-to-digital converter boxes. This has been used. The program is not going anywhere because everybody has converted. Why should we continue to put money out to a program that nobody is going to utilize? That money was used for an offset for a summer job youth program already this year but did not come here. Estimated savings: $115 million.

Section 241: Enacting the USDA nutrition rescissions amendments offered and passed by the House leadership. This would rescind almost $362 million of unobligated reserved stimulus funds for the WIC Program. This offset was selected because it was identified by the House appropriators and they unanimously voted to use these funds to offset another program.

It is obviously a low priority. It is a reserve fund. It has not been utilized. It is sitting there, and we need to eliminate it rather than borrow the money.

There are three or four other sections. There is a next-to-final section on Federal real property disposal. We have 21,000 buildings we own that we do not use, but yet we do not have a clear way to allow government agencies to dispose of property.

Last year, on these 21,000 buildings that we cannot get rid of because we have created a block to do so, we spent $8 billion maintaining them, even though we are not using them. We could sell those, we could give them to the States, we could do a lot of things that would immediately save us $8 billion. But if we sold them and we saved $8 billion a year, over the next 10 years that is $80 billion, not counting anything we might get for selling them. We might have some costs associated with razing some of them.

According to the Office of Management and Budget, 46,745 buildings that are underutilized with a total value of the ones we should be selling are worth $83 billion. We are going to hear people

say: You can't do that; you can't sell those buildings. Why? Why would we borrow money when we could sell buildings we are not using for $83 billion? Almost enough in properties that we do not need and are having to maintain to pay for this entire bill. The estimated savings this year alone from starting this would be $4 billion—just from starting it—that process would save us at least $4 billion this year.

Section 244: What we know is, at least 28 Federal programs, totaling over $9 billion, support job training and employment. Eighteen of these programs fall under the Labor Department's jurisdiction, and the agency spends $130 million administering its training and employment programs. We have 18 programs rather than 1. We are spending $130 million just to manage them—this is just inside the Department of Labor—rather than have one job training program with one set of administrators and not duplicating that administrative cost all the way across the board. Savings is probably $100 million to $130 million annually. There is well in excess of $22 billion to $24 billion in this second amendment—No. 3727.

So the question becomes this, if we continue down this road: Fair to our kids, fair to us because the Senate refuses to act responsibly?

Oh, I have heard the harsh rhetoric: You don't care about people who are unemployed because you think we ought to pay for it. You know, I think there are two sets of people we ought to be caring for. I think we should be caring for the unemployed, making sure they have sustenance and their needs fulfilled, as long as they qualify. But I think we should care about those who are going to follow us, those who are going to have to pay back this $18.2 billion. Are they not both important, especially when we know we waste, through fraud and duplication, $300 billion a year in the Federal Government? I have just come up with $20 billion of it.

We have enough fraud, waste, and duplication in the Federal Government to pay for this the whole rest of the year, to pay for the war supplemental that is getting ready to come, without borrowing another penny against the backs and future opportunities and freedom of our children.

I am pretty cynical about whether we are ever going to do that. I think the American people will have to change who is here before we will ever get to the point where we are going to make the hard choices that families have to make. But I think that is a fight worth having to protect our future. I think it is a fight worth having for my grandkids and everybody else's grandkids.

I was born in 1948, right after the end of the war, and we had the highest debt ratio we have ever had in this country. But because we had a limited government, what happened was we moved greatly and expanded both growth opportunity, innovation, and wealth through the hard work and great character and spirit of the American people, and we handled that. We can do that again. But we can't do it if we don't have the leadership that is necessary to do it. We have to start sometime to start paying for what we are doing. We have to start making choices. That is a rare occasion in Washington, but it is one I sense the American people are going to start demanding.

I have been working at this for 5½ years, or almost 5½ years. I have not made much progress other than to make sure the American people are informed of the absolutely atrocious amount of stupidity, waste, and duplication that goes on here. It is time we act. And since the majority controls the outcome, and they will let a few Senators vote for these amendments, we will get a high number of them, but not enough to make a difference.

So the question we ought to be asking is, What is so wrong with trying to pay for what we are doing? Well, we have always done it as an emergency. We have always charged it to our kids. Well, we haven't always been $12.8 trillion in debt. We haven't always been to the point that in 2010 we are going to have a debt-to-GDP ratio of 90 percent, which means we are going to have about $20 trillion in debt, and that is going to suppress and depress our economy by 2 percentage points in terms of growth. We have never been here before in terms of the risk to our economy.

I see the chairman of the Finance Committee here, and I will close by saying we are going to start doing this. The question is when. The question is, Should we be doing it when we are in control or when the bankers outside of America are in control—the sovereign nations outside who will tell us how we do it and what we can't do, just like what is happening in Greece today. The leadership in Greece is making decisions not because they want to but because they have to. They are not necessarily nice choices for the people of Greece. That can and will happen to us if we don't change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, yesterday, the Senate tabled the amendment offered by the Senator from Oklahoma by a vote of 51 to 46. That motion to table was successful, and shortly I will move to table the two pending Coburn amendments. The Senate should reject these two amendments offered by the good Senator from Oklahoma for the same reasons the Senate rejected the other amendment yesterday.

The Senator makes basically the same argument for each of his three amendments. They appear to be pretty much a set in terms of amendments. The Senator argues this emergency temporary extension of unemployment insurance benefits is the place to draw the line. It is the place to draw the line on which we need to take a stand to balance the budget.

Madam President, I agree with him the Nation should turn to serious budget negotiations. Our high budget deficits are unconscionable and must be addressed. We should balance the budget over the life of the business cycle. We should balance the budget as quickly as we possibly can. But we should not balance the budget while in the grips of the worst recession since the Great Depression. Doing that would only put more people out of work.

I might say, Madam President, that at a hearing held yesterday by the Finance Committee, the well-known economist Mark Zandi, who was an adviser to Presidential candidate JOHN MCCAIN, volunteered that this is not the time to draw that line in terms of deficit reduction. We should not force people who are unemployed to bear the brunt of offsets at this time. This is not the time to balance the budget, now that we are facing this recession.

I might also point out that we should not balance the budget on the backs of unemployed Americans who, through no fault of their own, are struggling to get by in this recession. They need these unemployment benefits, and if we were to adopt the amendment offered by the Senator from Oklahoma, first of all, it would be a mistake; and second of all, it would have to go to the House, and the House has said they wouldn't accept it. So for another couple of days people who deserve unemployment insurance benefits would not be getting them.

This Congress failed to act some time ago. As a consequence, unemployment benefits have expired and people who deserve unemployment benefits are not getting those unemployment benefits. Again, if we were to adopt the Coburn amendment and send it to the House and have it come back, then it would be a longer period of time that people who are waiting for their benefits would not be getting them.

It is just wrong for Congress not to have passed this extension a short while ago. It is wrong, but it is something that happened so we are here trying to correct it. Hundreds of thousands of Americans are already going without unemployment insurance benefits because we have not passed this bill. Hundreds of thousands more will go without unemployment insurance benefits if we do not pass the bill this week.

I will repeat myself: If we were to adopt either of the Coburn amendments, the House of Representatives has made it clear they will simply send it back to us again without the Coburn language. So adopting either of these amendments would simply further delay the needed aid to unemployed Americans struggling to get by. So I urge Senators to vote for the motion to table so we can temporarily extend the benefits that so many people justly deserve.

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

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

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

Mr. BAUCUS. Madam President, I ask unanimous consent that at 12:10 p.m. today, the Senate proceed to vote in relation to the Coburn amendment No. 3726, to be followed by a vote in relation to amendment No. 3727; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form; that no amendment be in order to either amendment prior to a vote in relation thereto; further, that the time until 12:10 be equally divided and controlled in the usual form.

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

Mr. BAUCUS. Madam President, I yield such time as she may consume to the Senator from New Hampshire.

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

Mrs. SHAHEEN. Madam President, I rise today to join so many of my colleagues in urging that we pass critical extensions of Federal unemployment benefits, the COBRA health insurance subsidy, flood insurance, and other vital programs that expired at the end of March.

I applaud my colleagues on the other side of the aisle who, despite opposition from their leadership, have joined us in moving this legislation forward. But despite the progress we seem to be making, these extensions have been held up too frequently for too long, and the American people deserve better.

Sadly, twice this year individual Senators have blocked extensions of Federal unemployment benefits right as the programs were about to expire. Those actions have put struggling families at risk, and already this month over 200,000 Americans have lost their benefits, with another 30,000 losing their benefits every day until we pass an extension. What is of particular concern is that we continue to deal with filibusters and delays and obstruction, even though almost every Member of this body says they want to extend unemployment. After weeks of delay, when extensions finally come up for votes, they have passed overwhelmingly.

We have had three situations now where this has occurred since last fall. In November, when the vote on extending unemployment benefits finally came to the floor, that vote was 97 to 1. In December, when the extension came to the floor, the vote was 88 to 10. In March, it was 78 to 19. Given those majorities, I do not understand how the other side of the aisle can justify obstructing votes on these issues in the way they have.

As important as this short-term extension is, the Senate must do more to address the long-term challenge of joblessness. Of the 15 million Americans who are out of work today, nearly 6 million—so more than 1 in 3—have run through the 6 months of benefits provided by their States. In fact, the average period of unemployment currently stands at a record high of nearly 8 months. We need to pass a longer term extension to provide some stability for the millions of people who are going to need unemployment benefits in the months to come. I applaud Senator BAUCUS who has been working to try to bridge this gap.

While some people may think it is no big deal to wait a week or two, even short-term expirations have damaging results. When State workforce agencies are forced to shut down and restart complicated Federal benefits programs, they experience huge backlogs in their systems that delay getting checks out the door, even to people who are not affected by the expiration.

Phone lines at call centers are jammed with claimants holding up others from filing for benefits while lines at one-stop centers get longer and longer. In the best of circumstances, individuals who lost their benefits during this expiration will have to wait weeks before they begin receiving checks again. That is a very long time when you are supporting a family on an unemployment check.

There is also the uncertainty and the fear that comes when parents open the mail to find a notice that, although their benefits are supposed to last for months to come, this is the last check they are going to receive. Families cannot afford to make the responsible choices to budget and plan for the future when we cannot guarantee the future of their benefits and of their safety net.

The fact is, when somebody is unemployed, it is an emergency in their family. We need to treat this situation, extending benefits, as an emergency in our Federal programs as well.

I want to conclude by sharing a letter I got from one of my constituents named Jo Ellen, who is from Canterbury, NH. She wrote:

> On April 3, my State unemployment benefits maxed out. I am in my 60s, a nurse and psychotherapist who has been out of work since the end of December 2009. Seeking work constantly, I am getting no responses from employers, probably due to my age. I have worked my entire life caring for others. My husband's salary is much lower than what I brought in, but I have never had to rely on others. Unemployment checks are allowing us to at least pay our bills. It plays havoc with one's body and psyche, affecting one's health and causing monumental anxiety when a vote is taken on a monthly basis to extend benefits. It is the never knowing for sure. Those of us who are in this situation are hard-working citizens who have come upon bad times. I cannot believe you won't take care of this horrendous situation immediately.

Unfortunately, like so many in this Chamber, I have received dozens of e-mails and letters and phone calls in the last 2 weeks from Granite Staters such as Jo Ellen. Unemployment benefits allow them to take care of their families, to fill up their gas tanks so they can go out and look for work. But the obstructionism that has kept us from passing meaningful long-term extension of unemployment benefits is having real effects on the financial, physical, and mental health of our communities. Jo Ellen is right; it is horrendous.

I am hopeful we are finally going to see agreement from the other side of the aisle that we can move this legislation forward, that we can extend unemployment benefits for those thousands of people who are losing them every single day.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes remain.

Mr. BAUCUS. Six minutes? I yield six minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

TAX DAY 2010

Mr. BURRIS. I thank the distinguished Senator from Montana. I hope I can do my brief remarks in 6 minutes.

It is tax day, I say to the Senator. I hope your taxes are filed.

Madam President, as my colleagues and the American people are undoubtedly well aware, today is tax day.

Across the country, hundreds of millions of people are filing their returns, paying what they owe or calculating the refunds they will receive.

Now, even in the best of times, paying taxes is not something most Americans look forward to.

In fact, in the wise words of George Washington, ''no taxes can be devised which are not more or less inconvenient and unpleasant.''

But even Washington and the other Founding Fathers recognized that taxation is a necessity—and that paying taxes is every American's patriotic duty.

When they are levied—not by some tyrannical monarch across the ocean, but by a representative government—taxes are ''the price we pay for a civilized society,'' in the words of Oliver Wendell Holmes.

It is the only way a modern government can function.

We are each asked to contribute a percentage of our income, and in return we expect our government to provide certain essential benefits:

A strong, highly-capable national defense. Adequate roads, bridges, and other infrastructure. Quality schools.

Emergency responders, so there is someone to answer the phone when you call 911.

Basic regulation and consumer protections, so you can buy food and other

products without fear of getting sick or suffering injury.

A safety net to help you get back on your feet in tough economic times.

All of these programs and services are supported by our tax dollars.

They serve functions we cannot perform for ourselves—and it is appropriate that the government steps in to fulfill this role.

That is why my Democratic colleagues and I are fighting Republican obstructionism to extend unemployment insurance and other benefits people desperately need.

And that is why I am proud to report that, this year, roughly 70 percent of Americans will get a tax refund.

But even so—my colleagues and I are all painfully aware that, especially in difficult economic times, taxes can be a burden.

They can be hard on families that are already stretched to the breaking point—struggling to make ends meet in the face of pay cuts, reduced hours, or even unemployment.

That is why my Democratic colleagues and I have been working hard to ease the burden on these families.

We have committed ourselves to fight for the interests of working Americans.

Our economic recovery remains fragile.

The national unemployment rate stands just under 10 percent—and in my home State of Illinois, it exceeds 11 percent.

And among minority communities, it is much higher.

Roughly 16 percent of African Americans are currently unemployed, along with 12 percent of Hispanics.

That is why my Democratic colleagues and I have taken action. We passed a sweeping stimulus package that brought us back from the edge of economic disaster.

While Republicans filibuster unemployment benefits, my colleagues and I are fighting to extend them. While they drag their feet on COBRA, we are fighting to increase access to this important program.

And, while they talk about enacting responsible tax policies, Democrats are actually getting it done. We are working hard to make sure that everyone pays their fair share of taxes—but no one is asked to contribute more than they can afford.

This is an issue that has defined our party for many years, especially under recent Democratic administrations:

From the middle-class tax relief provided by President Clinton, to the largest tax cut in American history, which was proposed by President Obama and ratified by my Democratic colleagues and I just last year—time and again, we have proven our commitment to commonsense tax policies.

We have passed fair, targeted reforms and responsible tax cuts for those who need it most. We have stood squarely on the side of the American people, despite what some of my Republican friends might claim. And in fact, when you examine their record—when you look at the truth behind the Republican rhetoric—it is quite different from what many of them would have you believe.

For decades, Republicans have claimed to be both fair and responsible when it comes to tax policy. But the reality is that they have consistently failed to deliver for the American people.

Since the days of President Reagan, Republicans have slashed tax rates for corporations and the super-rich, while squeezing the middle class for everything they are worth.

This is a country that has always encouraged personal initiative and respected success in the business world. But my friends on the other side are making it harder and harder for ordinary folks to attain prosperity and realize their dreams. It has never been harder to get rich in America—but it has never been easier to stay rich, as long as you can arrange a seven-figure bonus or a golden parachute every time the economy starts to look bad.

But for those of us who can't, Republican tax policies have brought nothing but headaches.

Under President George W. Bush, Republicans passed a massive tax break for the top 1 percent of wage earners, and did little or nothing to help the vast majority of Americans. In fact, this massive tax cut was not even paid for—every penny of it was added directly to the deficit.

So let's cut through the political rhetoric and talk about what this really means.

My Republican friends exploded the deficit by more than a trillion dollars, so they could give tax breaks to the richest of the rich. Now they are expecting us to pay down the deficit using the tax dollars of regular, middle class Americans.

These are folks who did not benefit from the original tax cut—but now Republicans expect them to foot the bill?

Not on my watch.

These tax policies are irresponsible. They are outrageous. And the American people have had enough. Even now, my friends on the other side think we should spend even more money we don't have, on people who don't need it.

My Democratic colleagues and I strongly disagree. We believe significant tax breaks should be targeted to middle-class Americans who need help, and that is why we passed legislation that accomplished exactly that.

We believe in responsible tax policy, which asks each and every American to pay their fair share without placing an unfair burden on any segment of the population.

My Republican friends will try to tell you they believe in the same values. So I would urge the American people to ask them: If that is the case, why did every single one of them vote against the largest tax cut in history?

The Democratic record is clear. We believe in American prosperity on Main Street, not just Wall Street.

So I urge my Republican friends to join us in standing up for ordinary folks, not just Wall Street bankers and the richest of the rich.

Unfortunately, taxes will always be necessary, and they will never be pleasant. But if we embrace commonsense tax policies and fight for the principles that have guided Democrats for many years, we can make these tough times just a little bit easier for ordinary folks.

Pay your taxes, enjoy America, and let's make sure that everyone pays their fair share.

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

The ACTING PRESIDENT pro tempore. 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 (Mrs. HAGAN.) Without objection, it is so ordered.

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 3726.

Mr. BAUCUS. I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

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

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—50

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Hagan	Murray
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson	Rockefeller
Burris	Kaufman	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (NM)
Dodd	Levin	Webb
Dorgan	Lieberman	Whitehouse
Durbin	McCaskill	Wyden
Feinstein	Menendez	

NAYS—48

Alexander	Coburn	Grassley
Barrasso	Cochran	Gregg
Bayh	Collins	Hatch
Bennet	Corker	Hutchison
Bennett	Cornyn	Inhofe
Bond	Crapo	Isakson
Brown (MA)	DeMint	Johanns
Brownback	Ensign	Kyl
Bunning	Enzi	LeMieux
Burr	Feingold	Lincoln
Chambliss	Graham	Lugar

McCain	Risch	Thune
McConnell	Roberts	Udall (CO)
Murkowski	Sessions	Vitter
Nelson (NE)	Shelby	Voinovich
Pryor	Snowe	Wicker

NOT VOTING—2

Nelson (FL)	Warner

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3727

Mr. BAUCUS. Madam President, I might ask my friend from Oklahoma, I think we are——

Mr. COBURN. Go to the vote.

Mr. BAUCUS. Madam President, I yield back my time. I think the Senator from Oklahoma wants to yield back his time so we can go straight to the vote.

I move to table Coburn amendment No. 3727, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—53

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kaufman	Reid
Burris	Kerry	Rockefeller
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

NAYS—45

Alexander	Cornyn	LeMieux
Barrasso	Crapo	Lugar
Bayh	DeMint	McCain
Bennet	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Feingold	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Udall (CO)
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker

NOT VOTING—2

Nelson (FL)	Warner

The motion was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

Mr. BAUCUS. Madam President, for the information of all Senators, I am aware of only one more amendment on this bill. The Senator from Arizona has an amendment on the value-added tax. I am hopeful the Senate can consider that amendment at about 1:30 or so this afternoon and perhaps vote on the amendment shortly thereafter.

I yield the floor.

Mrs. BOXER. Madam President, I supported the motions to table the three Coburn amendments to the Continuing Extension Act of 2010.

These amendments would delay important legislation to provide a short term extension of unemployment and health care benefits to Americans who have lost their jobs through no fault of their own. This bill is critical to families that have bills to pay and are struggling to put food on the table.

Yesterday, I voted to table the Coburn amendment that would have rescinded $40 billion in unobligated funding. This amendment did not say where the cuts would be made. As the chairman of the Appropriations Committee explained, many important homeland security, national defense, and Veterans Administration priorities could have been drastically reduced or eliminated by this amendment. There is no telling how many jobs would have been lost had this amendment been adopted.

The two Coburn amendments considered today both include funding offsets that have already been included in a bill to create jobs and reduce taxes. This legislation, which has already passed the Senate and is pending in the House of Representatives, would also extend unemployment insurance and health care benefits until the end of the year. Adoption of the Coburn amendment today would jeopardize this critical bill.

Extending unemployment insurance and health benefits are an emergency for those who have lost their jobs. We should come together as a body and pass this bill as soon as possible.

Mr. FEINGOLD. Madam President, it is vitally important that we extend COBRA and unemployment benefits for the millions of Americans who continue to find themselves out of work in the midst of the worst economic crisis since the Great Depression. At the same time, we should work to offset the cost of this additional funding through cuts in other Federal spending instead of passing this debt on to future generations.

That is why I opposed efforts to table three amendments by Senator COBURN that would have offset the additional spending, and was disappointed those amendments were all defeated. In fact, amendment No. 3727 even included two provisions from my Control Spending Now Act, a proposal to cut the deficit by around $½ trillion over the next 10 years.

While I fully supported the majority of the cuts in this amendment, I did have reservations about a few of the proposals. In particular, I had serious concerns about the idea of consolidating all federal job training programs. While the amendment would not have cut funding to any of these important job training programs, many of these job training programs serve specific populations of Americans, such as dislocated workers or young adults, and are carefully tailored to serve the unique needs of those workers. Nonetheless, the principle of taking steps to balance our Nation's checkbook is one I fully support.

The PRESIDING OFFICER. The Senator from Georgia.

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

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

FINANCIAL REGULATORY REFORM

Mr. CHAMBLISS. Madam President, last month the Senate Banking Committee reported out a bill to overhaul the financial regulatory system in this country—a bill that was, unfortunately, designed to invite Republican opposition from committee members, as evidenced by the party-line vote on reporting it out. At that time, I felt some sympathy for my Banking Committee colleagues who wanted to play a role but were shut out of the process.

As the ranking member of the Agriculture Committee, we have a history of producing bipartisan legislation. We always respect each other and seek to forge compromise in the name of advancing good public policy. The chairman of the Committee on Agriculture, Senator LINCOLN, is always more interested in getting the policy right than engaging in partisan debates. So I held out hope that the Agriculture Committee could consider our contribution to the financial regulatory reform legislation in a more productive environment than my colleagues on the Banking Committee faced.

The issues involved in financial regulatory reform are complex, very important, and involve both the jurisdiction of the Banking Committee and the Committee on Agriculture. The Agriculture Committee has a responsibility to ensure that the Commodities Futures Trading Commission continues to effectively carry out its duties, including any new authorities and responsibilities to regulate derivatives that Congress requires.

Before we make a big policy change, we need to ask ourselves whether the solutions that have been proposed by the administration and which are largely reflected in Banking Committee Chairman DODD's bill will even address the underlying problem. Why take a chance in these uncertain times to make legislative and regulatory changes that could possibly make things worse, potentially dry up capital, force the cost of doing business higher, and ultimately even drive these markets overseas?

Let me be clear. I am not proposing a do-nothing approach. In fact, I believe there are a number of ways in which we can more appropriately regulate derivatives, and it is Congress' job to write this legislation. We seek input from the administration and our regulatory agencies, but it is our responsibility to consider their suggestions, take into consideration the opinions of the American public, and put forward that which will become law.

Many businesses that use derivatives and swaps to manage risk in their everyday course of business are concerned that as Congress tries to reduce overall systemic risk in our financial markets—including regulation of over-the-counter derivatives—Congress might actually limit their risk management options. I am not talking about large financial institutions. I am not talking about Wall Street financial institutions. I am talking about businesses that provide goods and services and employment opportunities in each of our States.

These companies are concerned about aspects of the administration's proposal that would require them to clear standardized transactions and execute their transactions on a trading facility. Many of them have told me this would add considerable costs that would be passed along to customers or consumers, or perhaps prevent their businesses from using swaps and derivatives as a risk management tool altogether.

These companies are not antiregulation; they are supportive of increased transparency to the regulator, and they are willing to endure any additional burdens that go along with that. Clearly, the recent past has taught us that the regulator needs more data in order to view and police the entire marketplace, but I am not sure the lesson of the recent market meltdown warrants increased costs to businesses that had little, if anything, to do with creating this financial crisis.

Beyond requiring more transparent market data for the regulators, the Agriculture Committee has been exploring how most effectively to apply greater regulation to swap transactions. If Congress is truly interested in addressing the problem as opposed to politicizing a solution, we can no longer ignore the complexities of these markets. We must devote time to understanding these instruments and their applications. We must seek to understand the legitimate purposes these complex instruments serve for large and small businesses in each of our States. Chairman LINCOLN and I have devoted a great deal of time to understanding the over-the-counter derivatives market, its complexities and its unique and legitimate utility. That is our job as Senators on the committee of jurisdiction.

Unfortunately, our bipartisan negotiations have now been halted due to political influence from the administration. It seems that the administration fears a bipartisan deal on any aspect of financial reform legislation. As the Banking Committee members moved toward a bipartisan deal, the administration launched an attack on such efforts, and as Chairman LINCOLN and I were about to conclude our negotiations and release a bipartisan draft on derivatives reform, the administration stepped in once again to shut down the process.

The American public should be aware of what is going on here. Republicans on the committees of jurisdiction have been more than willing to constructively participate in the development of new regulations aimed at addressing what went wrong with our financial system. But the current administration seems more interested in political gain than in addressing this critical issue. It seems that, instead of seeking meaningful reform both Democrats and Republicans can support, the administration is more interested in trying to divert attention away from health care by changing the subject as we head into the election season.

The administration seems intent on going far beyond finding bipartisan solutions to address what caused the financial meltdown, and instead is pursuing reckless policies that could be dangerous for our markets and ultimately our consumers who depend on these markets.

However, it seems to me that the American public is well aware of the financial meltdown, because they live with it every single day. The last thing they want is for Congress to spend months talking about it some more.

I want to be very clear. A week ago, I was prepared to support a bipartisan compromise on reforming our derivatives market—a compromise that I believe an overwhelming majority of the Senate, Republicans and Democrats, could have supported and one that would have been implemented quickly to provide much-needed regulation, and then the White House stepped in and basically said a bill with Republican support is not worth advancing. They want an issue, not a solution, and want to drag this issue into the November elections in the hope that voters will be focused on reforming the financial system and forget about how angry they are about the passage of the recent health care legislation.

I will say one more thing about the regulation of derivatives for folks to keep in mind as this process moves forward, which is that Republicans and Democrats generally agree on the major issues relating to derivatives regulation. We all generally agree there needs to be greater transparency, registration, more clearing, and compliance with a whole host of business conduct and efficient market operation regulations. This is important because it is a 180-degree shift away from current law where today over-the-counter swaps are essentially unregulated.

Within this general agreement that swaps need to go from unregulated to fully regulated, we have some significant areas of disagreement about whether everyone needs to clear in all instances, and how best to require swaps to be transacted and reported. These disagreements are significant because they involve real burdens and duties, which will result in real costs to businesses and consumers. As Republicans, we want to make sure our new regulations serve a useful purpose.

As we begin the debate on derivatives regulation and Republicans start to get painted—as we have already seen—as the party of Wall Street and against reform, I want folks to know and understand this is disingenuous. Republicans believe there is a need to regulate the currently unregulated swaps market. We support doing so in a way that is responsible and that meets the risk management needs of Main Street.

I remain very hopeful that at the end of the day, we can strike a bipartisan agreement—not just on the title that refers to swaps and derivatives but also on the titles to the financial regulatory reform that deal with regulation, as well as the consumer protection finance agency.

With that, I ask unanimous consent to speak as in morning business.

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

HONORING OUR ARMED FORCES

1ST LT. ROBERT WILSON COLLINS

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and selfless commitment of 1LT Robert Collins to the U.S. Army and to our Nation.

While many other young Americans his age were headed back to school from spring break, LT Collins died April 7, when an improvised explosive device detonated near his vehicle on the streets of Mosul, Iraq. He was 24 years old.

It is time the American people know a bit more about this young man who sacrificed for his country his life, his family and all his potential, giving up all that he had, and all that he was going to be.

LT Collins was both a native Georgian, and was based in Georgia.

He hailed from the small town of Tyrone in Fayette County, where he played football under the Friday night lights at Sandy Creek High School, where he became a standout student that would take him to the halls of West Point, and where he attended Hopewell United Methodist Church with his family on Sunday mornings.

Later, he became a member of the local American Legion Post 105 in Fayetteville, GA.

For me, the death of LT Collins is particularly sobering. Robert was one of my first nominees to the U.S. Military Academy at West Point in the fall of 2003, and was offered an appointment there the following spring. He graduated from West Point in 2008.

He became one of the stalwarts of B Company, 1st Battalion, 64th Armor Regiment, 3rd Infantry Division based

at Fort Stewart, GA. He deployed to Iraq in the autumn of 2009.

LT Collins served as his platoon's commander. While in Iraq, his unit was charged with improving security and the quality of life for the people of Iraq. He and his men also provided security for the recent, successful Iraqi elections. They were dedicated to the goal of a peaceful, democratic Iraq, and sought to help its people lead normal, safe lives.

It is said that the measure of a man can be taken by what those who knew him say when he is gone. Robert's friends have described him as a man of great compassion, a leader with an excellent personality and an infectious laugh. They say he was always there for friends and family, for when they needed him. They say they are better people for having known him.

LT Collins found his voice in the honor and patriotism of the Army. With both his mother and his father retired Army officers, he was a man with the military in his blood. They both survive him, as does his girlfriend, Nicole, who was Robert's high school sweetheart.

I extend my deepest sympathies to LT Collins' family and friends, and ask that my colleagues—and all Georgians—keep them in their prayers during this time of sadness.

Robert performed his duty courageously, devotedly, without hesitation, without reservations. He was, after all, a soldier.

The world may be occupied with other things on this beautiful spring day, and the media with other stories.

But one of those should surely be the procession that will bring LT Robert Collins' body home today, winding its way from Falcon Field in Peachtree City through downtown Tyrone. It should also be about the Americans who knew him, who will line the roads to welcome him home a final time, recalling the words of A.E. Housman:

Today the road all runners come,
Shoulder-high we bring you home,
And set you at your threshold down,
Townsmen of a stiller town.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, I ask unanimous consent to engage in a colloquy with Senator ENSIGN and Senator SCOTT BROWN.

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

TRIP TO AFGHANISTAN AND PAKISTAN

Mr. CARPER. Mr. President, last week was the second of 2 weeks of the Easter recess. A number of us took that opportunity to travel to places around the world where our Nation is involved and has great interests. Senator ENSIGN, Senator SCOTT BROWN, Senator TOM UDALL, and a Congressman from Virginia, the First Congressional District of Virginia, named ROB WITTMAN, and I together visited—it was a 6-day trip—several days in Afghanistan and a couple of days in Pakistan as well, places I suspect the Presiding Officer has been or will be visiting.

I led a similar congressional delegation almost 10 months ago to both countries, Afghanistan and Pakistan. I had gone there right after the President had laid out his strategy for making progress in Afghanistan to restore the rule of law, to make sure the Taliban does not come back into power and provide sanctuary for al-Qaida to launch attacks against us or any other nation.

The President, at the time, my colleagues may recall, said we were going to do a couple of things. He suggested a year ago that we launch a military offensive, almost like a military surge on a modest basis, and we do the same thing with a civilian offensive. What he called for a year ago was to commit an additional 10,000 marines, commit 7,000 Army troops, commit 4,000 U.S. trainers to train the Afghan National Army and Afghan national police, and to also send over about 150 additional Black Hawk helicopters. That would be matched by a civilian surge as well to complement the military increase in resources.

When we were coming out of Afghanistan, we did a press availability with some reporters back home. One of the reporters asked me the question: What is our exit strategy in Afghanistan?

I replied: I think our exit strategy is to implement well the strategy the President outlined in April of last year. That was the additional marines, additional Army troops, additional trainers, additional Black Hawk helicopters for mobility, and the civilian surge to help us with the Afghans; to diversify the economy, the poppy seed trade where they produce enough opium to meet the demands of the world, to help them raise the kinds of agricultural commodities they used to raise to feed themselves and a lot of the folks in that part of the world.

We want to help them diversify their economy with respect to the mining and minerals industry. We want to make sure they would have the opportunity to exploit the oil and gas reserves, which are about three times what was envisioned a couple of years ago; at the same time, on the civilian side, work with the Afghans in cleaning up corruption which is rampant in most levels of Afghanistan and to help them to start developing a governmental institution to provide services, actually serve the people of that country. That is what was laid out a year ago.

I have been joined by Senator ENSIGN. I will yield to him in a moment.

In my mind, when I returned almost a year ago to America, I thought it was a smart strategy. The key is to implement it well. We met with the Afghanis last week, and we had an opportunity to see what we are doing well and not doing well. I think what is key in almost every endeavor I have been part of is leadership.

We spent time with General McChrystal, our top military leader, and Ambassador Eikenberry, who used to be a four-star general and is now Ambassador to Afghanistan. We met with President Karzai and the civilian and military leadership of Afghanistan, as well as the civilian leadership of the United States.

I came home not hopeless, not euphoric, but more hopeful than not that we have the right strategy, that we are beginning to implement it well. We have some 40 other nations involved with us in this endeavor. We are committing the resources to make this strategy potentially successful.

That is my take on it. I yield at this time to the Senator from Nevada, Mr. ENSIGN. I have already asked unanimous consent to engage in a colloquy. I will not ask that again. This is what it is about. It is not a monologue for me. I very much enjoyed the time I spent on the road with my colleagues, especially my colleague from Nevada. I was happy to be his partner and lead the delegation.

Mr. ENSIGN. Mr. President, I thank Senator CARPER. I appreciate him and his staff. Wendy was absolutely terrific in setting up this trip and all the various briefings and places where we traveled in both Afghanistan and Pakistan. I thought we had a great team put together among the Senator from Delaware, myself, Senator BROWN, Senator UDALL, and the Congressman from the First District of Virginia, Congressman WITTMAN, whom I did not know before the trip but with whom I was very impressed.

My general impression of what is going on in Afghanistan—I was initially very skeptical when I went over there. I thought we got an honest assessment. I thought they talked about the positives, the negatives, and the challenges ahead.

I agree with the Senator from Delaware. I was very impressed with both the civilian and military leadership we have in the country. I was impressed with the plan they put in place. The key to the plan, which is very similar to what we had in Iraq, is we have to clear, basically provide security. Then we have to hold that security, not just go and clear and then leave. We have to clear and then hold it. Then we have to build. We have to give people opportunities, economic opportunities, and some reason to hope. Once we build, then we need to transfer the authority to, in this case, the Afghan people, the Afghan Government.

The first part is a lot of our responsibility, although a lot of the clearing and holding is in combination with the Afghan Army. As a matter of fact, I don't think a lot of Americans realize

there have been more Afghan soldiers killed in Afghanistan than American soldiers or coalition soldiers. But the challenge is going to be in the transfer. We saw that the Afghan Army is being built up and trained fairly well.

Two big areas of concern are, one, the Afghan police. It has taken a lot longer to train them than we hoped. We experienced some of the same problems in Iraq. The Afghan police are not even close to being fully trained. There is a lot of corruption in the police. There are a lot of challenges to overcome there, but they are challenges that, given the right plan, given the right amount of time and resources, can be overcome.

Another huge problem in Afghanistan is development of infrastructure. I have heard Afghanistan described as an 18th century or 19th century country. However, one can really describe it as a second century country. There are many parts of it where people are living in mud structures with no electricity, with no running water, with none of the modern conveniences or technologies we think about.

In those areas, and the vast majority of the country, there is no governmental infrastructure. There is no rule of law. There is nothing to build on there. It literally has to be built from the ground up. There is neither a lot of experience not the necessary resources in Afghanistan to do that. That may be the major problem going forward in that transfer that I think the members of the delegation learned while we were over there. It is also why we questioned, when we came back, if we have the right strategy with the best chance of being successful. None of us know whether our strategy is actually going to be successful in the future. But it is worth attempting. It is in our vital national interest to do it. Then we have to pray it is successful in the future.

I think all of us came away thinking the American part of it, the international coalition part of it, will be successful. What we do not know will be successful is the transfer of authority to the Afghan government, the part at the end.

Is that the same impression the Senator from Delaware had?

Mr. CARPER. Mr. President, if I may respond, the Senator summed it up very nicely. One of the things Senator ENSIGN and I and our colleagues discussed with President Karzai and with the military leadership of that country and the civilian leadership of Afghanistan and with our own folks over there is the nature of the economy of Afghanistan. We heard a lot about corruption and heard a fair amount about their agricultural economy, which is largely dependent on raising poppies which feed the opium trade that provides a lot of money selling heroin around the world and to the Taliban and other insurgent groups.

The question on which Senator ENSIGN and I have gone back and forth with our folks over there and the Afghan leaders is, What is likely to be the most successful approach for us to take to eventually stop the addiction of the Afghan farmers to raising poppies? It was not that long ago that they had the ability to raise plenty of wheat and cotton and all sorts of fruits and nuts.

They make a fair amount of money on poppies. One problem is it is an illicit trade. It is an illicit and bogus way on which to base their economy. It subverts the government and corrupts the whole system over there. This is an important issue going forward. How do we help wean the farmers off an illicit agricultural economy to do something they used to do?

We sort of agree we need a tough love approach. We have to encourage and provide opportunities—seeds, fertilizer, advice, tactical assistance—on how to raise the kinds of products they used to raise.

Someone told us in one of our meetings that the people of India, not that far away from Afghanistan, would consume every pomegranate the folks in Afghanistan would raise. There are plenty of big markets and lots of hungry people to buy those commodities. The question is: Do we go out and eradicate all the poppies in the fields like, next week, or do we allow the poppies to be harvested but make it clear that is it? Then, next year we will help folks plant a different kind of crop, but we are not going to stand by next year and allow them to harvest poppies.

It is an issue that I think can be resolved, but I think it is a tough love approach. It is important, if we want to get rid of corruption in the government, in the country, we cannot avoid the widespread effect on it from poppies.

Mr. ENSIGN. If the Senator will yield.

Mr. CARPER. Yes.

Mr. ENSIGN. First of all, we were flying over the Kandahar Province in the southern part of Afghanistan in these Black Hawk helicopters, visiting a few of the forward operating bases—one for training, the other one for trying to provide stability for the region. As we were flying over, it was surprising how many agricultural fields there were in that part of the country. It was a very fertile area, and it seemed to me that 80 to 90 percent of the crops I saw from the air were poppies. This is just an estimate, but it was pretty easy to see them because the poppies were in bloom. They were everywhere, including right next to our bases, because we have stopped the eradication program. There has been a change in policy. This change was the one element of policy which I disagreed with over there. I think we do need to reevaluate, as the Senator from Delaware talked about, this tough love approach. I do think that is the way to go because you do have to have the positive incentives in there to grow other crops. But I don't believe you can do that without the negative consequences if farmers do decide to grow the poppies. In other words, if the positives are not strong enough, they may decide they are going to grow poppies anyway.

A couple problems with the poppies is, one, the Taliban wants to grow them because it helps fund the Taliban; and two, poppies are a very drought-resistant crop and Afghanistan has been in a drought for about 8 years. So growing poppies is a stable source of income for the Afghan farmers.

The other thing the Senator from Delaware mentioned is that other countries in the area would love to have their produce. The problem is getting that produce to market. They do not have anywhere to store the produce. They have a guaranteed market there for the poppies with the transportation. The Taliban is not going to attack their transport, if that is what they are growing. So this is very much a difficult situation, but it isn't a situation that is, I believe, without a solution. I believe we can come to a solution on this, and that is why I think we need to reevaluate what we are doing in Afghanistan by not including eradication as part of the process. Because when we talk about the police—and I see Senator BROWN has joined us, one of our colleagues who was on the trip—there is corruption in the police force. Well, in every country in the world that has a serious drug problem, it leads to corruption in the police, which leads to corruption of any kind of judicial system, officials in the government and on and on and on.

I would be curious to hear from my colleague, our newest Senator, the Senator from Massachusetts, who was a real joy to have with us on the trip.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. First of all, I wish to begin by thanking our leader on the trip, the Senator from Delaware, Mr. CARPER. It was a joy to be on a trip with people who had different experiences, different military experiences, and take that experience and work it together in such a short period of time to form such a powerful team. If this is how every CODEL is going to be, I am excited to be a part of that experience.

This trip enabled me—now that the campaign is over—to learn and make sure that everything we were talking about then was accurate. If that is so, how do we take that and use it in a productive way to give the troops the tools they need to be, No. 1, safe; and No. 2, to finish the job. My analysis is, General McChrystal's effort to do just that—the new combined effort working with the Afghan police and national army, as well as local tribal leaders and our coalition forces in the military—has enabled us, I think, in all sincerity, to have the best chance to do just that; to keep our troops safe and ultimately to finish the job.

What is finishing the job? Finishing the job, to me, and to General

McChrystal and others, is to provide that safety, that security net around the citizenry in Afghanistan, to protect them and to allow them to flourish and start to grow and weed out the corruption and not rely so much on the poppy fields and ensure that they can bring their produce to market or keep their government safe and secure so they can start to be more self-sufficient. Working with our coalition partners, President Karzai, and others, I think gives us the best chance of success.

I wish to thank the team members for their patience. It was a long haul, long flights—12- to 15-hour flights. We weren't partying there, I can assure you. We were there, up at the crack of dawn and going to bed late at night, working with the Ambassadors, the Presidents, the Foreign Ministers of every country we visited. It made me feel, first of all, proud to be an American and thankful that I am an American. In recognizing the true challenges other parts of the world face—and I know the leader of our team will talk briefly about the refugee camp we saw in Pakistan with 150,000 people and kids from 3 years old up to 18 years old in school, with the smiles on their faces, and seeing the hope and the excitement that they were learning for the first time in their lives—it made all of us look at each other and say: Geez, can we come back in August and help out? Because it was so intellectually rewarding, and it made me, and I know other Members, so excited to be there and to see the hope.

What does education do in countries such as Afghanistan and Pakistan? It gives them the tools to make sure they know how to deal with the Taliban and other entities coming in to try to influence their lives. It gives them the knowledge to be able to say no. It is almost like the DARE program, the drug program we have in Massachusetts, where it is the resistance education program where they give you the tools to not succumb to peer pressure and take drugs and make bad choices. When I left that refugee camp, I felt there was hope there.

I will defer to our leader to continue with this conversation.

Mr. CARPER. I see Senator MCCAIN is on the floor, and if I am reading his body language right, it looks like he wants to say something about our visit to Afghanistan and to Pakistan last week. I don't know if he wants to be a part of this colloquy or if he wants us to get out of his way so he can talk about something else, but I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I just wanted to congratulate my three colleagues for taking that trip. It is of the utmost importance that my colleagues are able to see the situation on the ground, meet with our leaders, meet with the leaders of Afghanistan and Pakistan, and meet with the men and women who are serving in the military.

One thing I know is, the word spreads. The word spreads throughout the men and women of our military that Senators took time from their schedules, from our recess, to be with the men and women who are serving. There is no better way to express our appreciation, but also it is very much noticed by the men and women serving over there.

I know my colleagues come back better informed. Also, as the situation in Afghanistan continues to evolve, we will be much more qualified and informed as we engage in what is appropriate for the Senate to engage in—discussion and debate over our strategy and our goals in Afghanistan.

So I thank my colleagues for going. I thank them for their service. The Senator from Delaware has proven that even a former Navy person can understand the issues that confront the Army and the Marine Corps.

Mr. CARPER. Mr. President, if I can reclaim my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Senator MCCAIN, along with Senator BROWN, spent a lot of time in uniform. I know our Senators felt a special pride in our troops who are serving over there. They are serving with troops from 40 other countries, and not all countries send troops. Countries such as Japan sent money. They are quadrupling their salaries so they can hire some decent people and keep them. But in the Army, Navy, Air Force, and Marine personnel we met with, morale was good. They understood their mission, they understood the importance of their mission, and they were proud to be serving. We are very proud to support them.

Before our time expires entirely, I will yield back to Senators ENSIGN and BROWN for any closing comments they want to make, and then I think Senator MCCAIN wants to talk a little.

Mr. ENSIGN. I have a couple of other observations and comments to make. I expressed this to General McChrystal and Ambassador Eikenberry when we had one of our briefings regarding the various aspects of the international coalition including USAID, the State Department, the military, all the members that make up what are called PRTs, provincial reconstruction teams. In that meeting, I asked the question about how much money we were spending now. It was very clearly a concern, when we were talking about the economy of Afghanistan and whether it would be able to support this large army and large police force we are putting into place. So I asked the question: How much money are we spending now, how much money is going to be needed in the future, and for how long is that money going to be needed?

President Obama has talked about us starting to withdraw troops about the middle of 2011. As we are to start drawing down some troops there around July 2011, it became obvious to me that we are going to have a commitment there for some time, and I think it is important for us to be honest with the American people, first of all, about how much it is going to cost. I think a conservative estimate, for many years to come, is that we are going to be talking about spending at least $10 billion a year—around $6 billion to support their army and their police force and another $4 billion as far as helping build their economy.

The Afghan economy can eventually take over if their natural resources come to be what the U.S. Geological Service says some of their minerals are worth; what they think the oil and gas reserves potentially are. China is coming in to build probably the largest copper mine in the world there, but it is going to take years to develop these resources. So that is one of the things I came back with. We need to be a little more open with the American people that we are going to be there for a while and it is going to cost us quite a bit of money. We should be able to say to our constituents back home: Here is how much we are going to be spending and here is why it is in our vital national interest.

The other thing we haven't taken a lot of time to talk about is Pakistan. First of all, we have some great leaders over there, as well as Ambassador Patterson and Vice Admiral LeFever. They are the military leaders over there, and their teams are impressive as well.

As Senator BROWN mentioned, we visited a refugee camp, and we also visited a base that we built over there for Pakistanis to train. The Pakistanis who train there are called the frontier scouts and they work in the tribal areas to help fight the Taliban. It is in our interest to be able to do that.

I was very encouraged by what I saw in Pakistan, by the new leaders there giving up some of their power voluntarily, the new President, and seeing Pakistan as much more of an ally to the United States in the future. In general, I thought that part of our trip to Pakistan was very much worthwhile.

I would conclude my remarks with that, and turn it over to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, in conclusion, I concur with all the comments made by the Senators before me. One of the things I found most interesting—and I have a hearing in about an hour on the Afghan police and the contracting associated with our supporting the police force in Afghanistan—is that I was able to ask very direct questions to our Ambassadors and to the military and civilian leaders who helped me better understand where the $6 billion we have spent to uplift the Afghan police force has gone.

Another reason I went there was self-serving in that it gave me the tools to make sure I can better inquire to find out on behalf of the American people where their money is going, how it is

being spent, and whether we can find a way to spend it better.

In addition to that, one of the things that was glaring to me is that even in Pakistan there is an illiteracy problem that needs to be addressed. I think that illiteracy problem, if not addressed, will be fertile ground for the Taliban to come in and try to influence the youth of that country. They have a lot of hope, yet they have some very serious problems.

Once again, I thank our leader. I have great respect for him, someone I didn't know before we went. I encourage others to do that and have that bipartisan feel, as I tried to do often. We saw Senator BAUCUS over there with his team kind of shadowing us, making sure we were actually working. It was a lot of fun to see them over there as well, even with their travel problems. But I am looking forward to doing it again.

I thank the Presiding Officer for allowing me to speak.

Mr. CARPER. Let me just close it down for our side. I say to Senator BROWN, it was a great opportunity to travel with him and get to know him and to learn. I thank him so much for being a great part of our team. I also thank Wendy Anderson, who helped put that together, and Army MAJ Jen McDonough.

We have been joined on the floor by Congressman ROBERT WITTMAN from the First District of Virginia. I say, with him sitting there, how impressed we were with him and how delighted we were to serve with him.

The road ahead in Afghanistan won't be easy. It is an important road for us to travel. It is not one we have to travel by ourselves. A lot of other nations are involved in this with their time, their treasure, and their people.

We need the best efforts from the leadership of Afghanistan. We know he is under a lot of pressure. We made it very clear to President Karzai that we have no intention of being an occupying force. We have every intention of bringing our folks home within a reasonable period of time. This is not an open-ended commitment. My hope is it will not run up the cash register as much as Senator ENSIGN has suggested, but nevertheless it is an important use of our resources. This is the battle, in my judgment, this is the war we should have been fighting all along.

I thank my colleagues for their patience, and I yield.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 3724, AS MODIFIED, TO AMENDMENT NO. 3721

(Purpose: Expressing the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back Americas's economic recovery and the Senate opposes a Value Added Tax)

Mr. MCCAIN. Mr. President, I ask unanimous consent to call up amendment No. 3724 and that it be modified with the changes at the desk.

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

The clerk will report the amendment as modified.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3724, as modified:

At the appropriate place insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery and the Senate opposes a Value Added Tax.

Mr. MCCAIN. Mr. President, as my colleagues well know—today is tax day. Earlier today I came to the floor to speak about the enormous burden Americans bear every year in order to comply with today's deadline for filing their Federal tax returns. We have a complex, antiquated and oversized Tax Code that wreaks havoc on American taxpayers and, according to the National Taxpayers Union, will require them to spend $103 billion this year in compliance-related expenses. When we have a 2,000-plus page Tax Code which requires over $100 billion in compliance costs—something is clearly wrong. So what is the answer? Amazingly—instead of offering proposals to reform the system and ease the burden on our citizens—some are suggesting creative ways to impose new taxes on Americans and even further complicate our Tax Code.

According to this morning's Wall Street Journal, the Obama administration and its allies have floated the idea of imposing value added tax—a sales tax imposed on each stage of production, on each firm's value added with the actual cost ultimately hidden from the end user with the final bill being paid by the consumer at the cash register. This type of tax has been widely imposed throughout Europe. This morning, in an editorial titled ''Europe's VAT Lessons,'' the Wall Street Journal stated:

As Americans rush to complete their annual tax returns today, there is still some consolation in knowing that it could be worse: Like Europeans, we could pay both income taxes and a value-added tax, or VAT. And maybe we soon will. Paul Volcker, Nancy Pelosi, John Podesta and other allies of the Obama Administration have already floated the idea of an American VAT, so we thought you might like to know how it has worked in Europe.

VATs were sold in Europe as a way to tax consumption, which in principle does less economic harm than taxing income, savings or investment. This sounds good, but in practice the VAT has rarely replaced the income tax, or even resulted in a lower income-tax rate. The top individual income tax rate remains very high in Europe despite the VAT, with an average on the continent of about 46%. . . .

In the U.S., VAT proponents aren't calling for a repeal of the 16th Amendment that allowed the income tax—and, in fact, they want income tax rates to rise. The White House has promised to let the top individual rate increase in January to 39.6% from 35% as the Bush tax cuts expire, while the dividend rate will go to 39.6% from 15% and the capital gains rate to 20% next year and 23.8% in 2013 under the health bill, from 15% today. Even with these higher rates, or because of them, revenues won't come close to paying for the Obama Administration's new spending—which is why it is also eyeing a VAT.

Thanks to the recession and the stimulus, U.S. federal debt held by the public has now reached about 63% of GDP and is headed higher, but the OECD forecasts that the 30 wealthiest nations will see debt burdens ''exceed 100% of gross domestic product in 2011.'' Debt levels in France, Germany, Spain and Italy are expected to have increased by 30 percentage points of GDP from 2008 to 2011. Greece has a VAT rate of 21%, but its debt as a share of GDP is 113%.

The very efficiency of the VAT means that it throws off huge amounts of revenue that politicians eagerly spend. The VAT thus becomes an engine of even greater public spending. In Europe, average government spending was about 30.2% of GDP when VATs began to spread in the late 1960s. Today, those governments are more than 50% larger, with spending of 47.1% of GDP on average. By contrast, U.S. government spending (federal and state) rose to 35.3% from 28.3% as a share of GDP in the same period.

It is precisely this revenue-generating ability that makes the VAT so appealing to liberal intellectuals and politicians. Even liberals understand that at some point high income tax rates stop yielding much more revenue as the rich change their behavior or exploit loopholes. The middle-class is where the real money is, and the only way to get more of it with the least political pain is through a broad-based consumption tax such as a VAT.

And one more point: In Europe, this heavier spending and tax burden has also meant lower levels of income growth and job creation. From 1982 to 2007, the U.S. created 45 million new jobs, compared to fewer than 10 million in Europe, and U.S. economic growth was more than one-third faster over the last two decades, according to the Bureau of Labor Statistics.

In 2008, the average resident of West Virginia, one of the poorest American states, had an income $2,000 a year higher than the average resident of the European Union, according to economist Mark Perry of the University of Michigan, Flint. The price of a much higher tax burden to finance a cradle-to-grave entitlement state in Europe has been a lower standard of living. VAT supporters should explain why the same won't be true in America.

One trait of European VATs is that while their rates often start low, they rarely stay that way. Of the 10 major OECD nations with VATs or national sales taxes, only Canada has lowered its rate. Denmark has gone to 25% from 9%, Germany to 19% from 10%, and Italy to 20% from 12%. The nonpartisan Tax Foundation recently calculated that to balance the U.S. federal budget with a VAT would require a rate of at least 18%.

Proponents also argue that a VAT would result in less federal government borrowing. But that, too, has rarely been true in Europe. From the 1980s through 2005, deficits were by and large higher in Europe than in the U.S. By 2005, debt averaged 50% of GDP in Europe, according to OECD data, compared to under 40% in the U.S.

While there is no official proposal to impose the VAT—I think it is necessary for my colleagues to be on record on this onerous new tax. Therefore, I am offering this very simple sense of the Senate amendment which

calls the VAT exactly what it is—a massive tax increase that will cripple families on fixed incomes and only further push back America's economic recovery.

Daniel Mitchell, a senior fellow at the Cato Institute recently wrote:

The VAT—on top of all the other taxes Washington imposes—is a terrible idea. Imposing it would pretty well finish the transformation of our country into a European-style slow-growth nation. The right way to close Uncle Sam's gaping deficits is to reverse the continued explosion of federal spending.

The real-world evidence shows that VATs are strongly linked with both higher overall tax burdens and more government spending. In 1965, before the VAT swept across Europe, the average tax burden for advanced European economies (the EU–15) was 27.7 percent of economic output, versus 24.7 percent of GDP in the United States.

Taxes on income and profits consumed 8.8 percent of GDP in Europe in 1965—below the US level of 11.9 percent. By 2006, the European burden had climbed to 13.8 percent of GDP, slightly higher than the 13.5 percent US figure. (The same trend holds for corporate-tax data.)

Today's income-tax system is a nightmarish combination of class warfare and corrupt loopholes. But adding a VAT solves none of those problems, it merely gives politicians more money to spend and a chance to auction off a new set of tax breaks to interest groups. That's good for Washington, but bad for America.

J.D. Foster, a senior economics fellow with the Heritage Foundation, wrote:

It comes as no surprise that attention is now turning toward the VAT as the liberal solution for unsustainable deficits that threaten the stability and very future of our economy. Having hiked spending dramatically and then doubling down with his Obamacare, the nation now faces unprecedented near-term debts as the clock ticks toward the long-recognized entitlements time bomb. If there's one thing conservatives and liberals agree on completely, it's that deficits of this magnitude cannot persist. Credit markets won't allow it. Some fundamental course correction is certain. The massive amount of revenue a VAT could raise is the only acceptable solution left for most liberals since they steadfastly refuse to reverse course on their recently enacted spending binge.

Why is the VAT the darling of the left? Because it can raise vast new revenues without the taxpayers being really sure who took their money. Consumers would pay the tax when they purchase goods and services. Buy a car, pay the tax. Buy groceries, pay the tax. Buy chemotherapy drugs, pay the tax. In this way, taxpayers would only be aware of a bit of their tax bite with each purchase. And unless the tax is printed on the receipt and they look for it, consumers would have no idea how much tax they paid on a particular transaction.

Today's deficits, and tomorrow's, result from too much spending, not too little revenue. Reverse the massive Obama spending surge (and the Bush surge before that) and the deficits would quickly fall to sustainable levels. Instead, Paul Volcker has done the nation a great service in telling us what Obama and his congressional allies are planning. If that is not the case, if the President and the democratic leadership in Congress really are not planning a VAT attack, let them declare their opposition to a VAT plainly. Every current and would-be member of Congress should say where they stand on the VAT. And unless they favor a huge government, much higher taxes, and less transparency from government, they will stand against it.

I agree with Mr. Foster—every current Member of Congress should say where they stand on the VAT. With this amendment I am giving Members of the Senate that opportunity.

Several of my colleagues have explained that they would support a VAT if it was replacing the Federal income tax or the current corporate tax structure. I say to those colleagues that I have not seen a shred of evidence from the administration or anyone in Congress that the VAT would be used as a replacement tax. I am supremely confident that—if and when it is offered—the VAT will be an additional tax on the American people. And that is the last thing the American people need right now. The solution to America's worsening government fiscal outlook is not to increase taxes—it is to cut spending. Congress could get America's economy back on track by focusing on tax relief and simplification, liability reform, regulatory reform, health care security, and energy independence—not on imposing a new, massive tax increase that will cripple middle- and low-income families and delay America's economic recovery.

The solution to America's worsening government fiscal outlook is not to increase taxes, it is to cut spending. Congress could get America's economy back on track by focusing on tax relief and simplification, liability reform, regulatory reform, health care security and energy independence, not on imposing a new massive tax increase that will cripple middle- and low-income families and delay America's economic recovery.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The McCain amendment is the pending amendment.

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

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

FINANCIAL REFORM

Mr. DODD. Mr. President, I come to the floor now, and I came to the floor yesterday, in response to the campaign by those both outside and, apparently, inside this Chamber who are literally trying to kill the Wall Street reform legislation, and to tie that reform to that bill to bailouts.

I pointed out in those discussions yesterday that these arguments are straight out of Wall Street's playbook, written by political strategist Frank Luntz. As we all know, I submitted his political strategy that he offered months or weeks before even consideration of the bill, outlining politically how to defeat this legislation. So even before there was a bill, Mr. Luntz had a strategy on how to kill it. You merely have to look at the date of his memo to know what I am talking about.

Yesterday we heard a strategy, basically written by him, to avoid any accountability for the mess they have made of our economy. And if it seems strange to you, Mr. President, and others, that the minority leader is choosing to attack our bill for being too kind to Wall Street by reciting talking points written on behalf of Wall Street, well, you are not alone, obviously, if that seems strange.

Even stranger, of course, was the leader's insistence that this legislation is too partisan. Perhaps he has not spoken to my colleague and friend from Alabama, the former chairman of the Banking Committee, Senator SHELBY, with whom I have spent months working on building consensus, who said himself months ago that we had achieved a consensus on as much as 70 percent of the bill that will be presented to this body in a matter of days.

Perhaps the minority leader had not spoken to any of the Republicans on the Banking Committee, who joined with Democrats in bipartisan working groups that I asked to be formed back months ago, each of which of those groups achieved real and meaningful progress that is reflected in the bill that will be on the floor in a matter of days; not just amendments that will be offered, it is in the text of the bill of those working groups, Democrats and Republicans on the Banking Committee.

Perhaps the Republican leader had forgotten that as far back as February of 2009, I insisted that meetings with the Treasury Department, as they were still crafting their plan for reforming Wall Street, include Republican staff so Republican ideas would be in the proposal from the very beginning.

Well, this morning the McClatchy newspapers looked into the minority leader's accusations made in this Chamber yesterday morning, and frankly found them lacking. Please indulge me for a moment. I am reading from this morning's newspaper. Let me quote, if I can:

McConnell accused Dodd of drafting partisan legislation, even though the banking committee Chairman has worked roughly half a year with key Senate Republicans and incorporated many of their ideas into his bill. McConnell also said the bill contains controversial bailouts, but it doesn't.

And this from today's Associated Press report:

McConnell on Tuesday said his views on the financial regulation package had been most influenced by the comments of community bankers in Kentucky, his home state. Yet such bankers are represented by the industry groups that most favor setting up an advanced prefinanced liquidation fund for

large institutions—the Independent Community Bankers Association.

The very community banks that insisted upon the $50 billion that the banks have to put up if they are going to be unwound, rather than taxpayers. So the very banks that my friend from Kentucky claims are advising him on his views have a different view than he does about the bill that is before us.

The newspaper article goes on. It says:

. . . McConnell has also complained that the Democratic bill is partisan and the White House intervened to stop Democratic-Republican negotiations . . . But Sen. Christopher Dodd, Connecticut, chairman of the Senate Banking Committee, negotiated for months with leading Republicans and found much common ground, only to see the vote in his committee unfold along party lines.

Well, there you have it. Black and white. The attacks on the Wall Street reform bill are false. This legislation incorporates Republican ideas, Democratic ideas, and it definitely includes one idea that we all agree on: ending taxpayer bailouts. Just ask Sheila Bair, who is the Chairperson of the Federal Deposit Insurance Corporation, the organization that comes in and puts an end to failing banks. Ms. Bair is also a Republican, former legal adviser to Senator Bob Dole, former majority leader, minority leader of the Senate, an appointee of the previous administration, the Bush administration.

Sheila Bair told the American Banker, in an article published this morning:

The status quo is bailouts. That is what we have now. If you do not do anything you are going to keep having bailouts.

And nothing is what we will have if Members vote against allowing this bill even to come up for debate on the floor of the Senate. Sheila Baer goes on to say about this bill:

It makes bailouts—

This bill that we will have before this body—

It makes bailouts impossible. And it should. We worked really hard to squeeze bailout language out of this bill. The construct is that you cannot bail out an individual institution. You just cannot do it.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DODD. I will be happy to yield to the Senator.

Mrs. BOXER. First, I want to say thank you so much for taking to the floor to explain to the American people the very strange debate we hear coming from the Republican leader on this. I was stunned, because I had heard that he had met with the Wall Street people and the banks, and then he said over and over again the same phrase yesterday, which was repeated endlessly, that the bill you and the President and the Democrats are working on—trying to get bipartisan support for, for which I commend you—he said that bill would mean one thing and one thing only—taxpayer bailouts—when we all know the entire purpose is to put an end to one dollar of loss of taxpayer bailouts. So I have a question to ask. Is it not my friend's goal to get into a situation where the banks, the super big banks, the investment houses, pay into a fund themselves with their own money, so that if there are any problems and they need to be wound down, it does not cost a dollar of taxpayer money, that the fund will be paid for by these businesses themselves? Am I correct on that?

Mr. DODD. Let me thank my dear friend and colleague from California. She says it so much more directly and clearly than my efforts here to explain this. She is absolutely correct. This is the irony of ironies.

In fact, let me go further. The $50 billion provision in this bill was proposed by the Republicans. I did not come up with this idea. This was the idea that was brought up by the community bankers and Republicans who said that if there is an unwinding of a failed institution, the American taxpayer should not have to pay a nickel for that; it should be paid for by the institutions that put themselves in that position.

That is what we did. In fact, in the other body, they have a stronger provision with even more dollars involved. The irony of ironies, that a Republican provision in this bill, designed to insulate the American taxpayers from having to pay a nickel to unwind a failed institution, they are now calling somehow evidence that this is a bailout.

The only reason that money can be used is to bail out, rather to unwind that institution, if it gets in that situation.

Mrs. BOXER. Further, my understanding is, if an institution gets in trouble, they are going to go down. They are not going to be revived.

Mr. DODD. Absolutely.

Mrs. BOXER. I would say to my friend, because he is an expert on this—and years ago I was on the Banking Committee, and am no longer there—I want to make sure I understand if I am right on this: I think the American people have appreciated the FDIC over the years, because the FDIC was another way for taxpayers to be kept out of a problem, because it is an insurance fund. The banks are taxed and they put the money into the fund. And if there is, in fact, a bankruptcy, you are covered. Right now I think it is up to $250,000. Am I correct?

Mr. DODD. Correct.

Mrs. BOXER. So this whole notion has worked very well. But in closing, because I do not want to interrupt the speech of my friend, because I think it is important, it seems to me suddenly there has been a huge injection of politics into a bill that should have had, as you point out, I say to my friend from Connecticut, bipartisan support.

If, in fact, the Republicans came up with the idea to have a fee on these institutions, to protect the taxpayers so that we have no bailouts, and now, after meeting with the banks, it feels to me these big institutions have turned on their own idea. But they are using the language that is the opposite of what they now want to do. Because, as I understand it—tell me if I am right—if we keep the status quo and do nothing, which is again their idea right now, we are in trouble, because we saw what happens when these big institutions get in trouble. Main Street starts to hurt. Lending starts to freeze. We have seen millions of job losses due to that horrible time we went through.

I want to commend my friend and urge him, if he has to come here every day—and I will be glad to come over here as well—to explain to the American people the truth. I am so tired of politics obscuring the truth. We need to put an end to it. We are not perfect. The other party is not perfect. No one is perfect. We do not have the ideas that are going to save and cure every problem. But we know one thing from this crisis. We had to turn to taxpayers. What a nightmare. Thank goodness, by the way, those funds are being repaid. We are still out some funds, but the vast majority of those funds are repaid. But we are not going to go through that again. I would never vote, and I say that right here, to bail out these big institutions that were gambling. They gambled on the future of America. I will not do it. Therefore, let's put something into place where they pay into a fund so if there is a problem in the future and they are going bust, we will wind them down and we will wind them out on their dollar.

I hope you will keep saying that, because I do not mind getting in a debate with the other side. As a matter of fact, I think there are great differences between the two parties, which makes our country great because we all appeal to different people in the country. It is good for the stability of the Nation. But let's not come here with false debate. Let's not come here with made-up arguments, because that only hurts the debate.

I wanted to praise my friend. I wanted to spend a couple of minutes thanking him for doing this.

Mr. DODD. I thank my colleague. I note, you only have to ask yourself—look, you do not have to have a Ph.D. in banking. Ask yourself this question: The idea of requiring these institutions to put up money in advance, so that if they fail they end up paying for the cost of unwinding——

Mrs. BOXER. Bingo.

Mr. DODD. Who would object to that? Who is objecting to this? I mentioned earlier, it was not my idea. This was brought to me by the Republicans. Sounds to me like the people who have to put up that money are probably the ones objecting to it. These are the large institutions that do not want to be assessed any cost associated with their mismanagement of an operation.

Mrs. BOXER. You got it.

Mr. DODD. So it is pretty much as plain as the nose on your face. I am

even surprised we have to make the case. So I thank my colleague from California. I will try to complete these remarks. I know others have other matters they want to be heard.

I thank Sheila Bair from the Federal Deposit Insurance Corporation. Many of us know her, having worked with the Republican leadership for years as legal counsel, of course; being an appointee of the Bush administration. She talked about our bill today, saying this bill has been written specifically to end any notion of any kind of a bailout by the American taxpayer.

It makes [bailouts] impossible, and it should. We worked really hard to squeeze bailout language out of this bill.

And she is right, working together.

The construct is you can't bail out an individual institution—you just can't do it.

Our bill stops bailouts by imposing tough new requirements on Wall Street firms. Being too big and too interconnected will cost these firms dearly. And, should that not be enough, under our legislation regulators can use new powers to break up those firms before they can take down the economy. It stops bailouts by forcing firms to write their own funeral plans and to pay for their own liquidation in advance so taxpayers do not have to pay a dime. They shouldn't. If that is not enough, our bill stops bailouts by literally eliminating any possibility for the government to bail out these firms. These Wall Street firms believe that no matter how much we hate bailouts, if they are important enough, at the end of the day taxpayers will come riding in on a white horse to save them, just as they did under the Bush administration.

This bill kills the white horse. There is no white horse under this bill. When we pass it, as I hope we will, large institutions, big banks will know if they fail, they fail. Their management gets fired under our bill. Their assets will be liquidated under our bill. Their creditors lose money under our bill, and taxpayers don't pay for any of it under our bill. The bill stops bailouts.

To insist otherwise indicates that either the minority leader doesn't know what is in the bill or he chose to distort what is in the bill. Yet I read this morning in the Wall Street Journal that the Republican leadership is ''struggling to maintain a unified opposition,'' even going so far as to circulate a letter pledging that each Republican Senator will vote to filibuster this bill and keep it from even being discussed. I hope that is not the case.

I can't tell my colleagues, in my 30 years here, what a denial that is of everything I have stood for and worked for in countless pieces of legislation for three decades, to have Members of this body, who have spent hours with me crafting the bill I will offer, including their ideas, to then vote against even allowing this bill to be debated. I just know that cannot happen. I don't want to believe that 41 of my colleagues, many of whom have worked with me on this bill, are going to sign on to a commitment that they will not allow this bill even to be debated unless I agree to their provisions. I have never seen anything like that in my 30 years.

I have worked tirelessly for months to put together a bill that reflects various ideas. I know it doesn't satisfy everyone. I have been criticized by the left and the right on this bill. I understand that. But I have tried to put together a bill that reflected what I thought was commonsense, sound, good legislation. I pray the news I am hearing about 41 Senators—before most of these people have even read what is in the bill—signing on to a political commitment without understanding what is at stake is not true. By losing this bill and having the status quo remain, bailouts then are in place. Taxpayers are exposed. The 8 million jobs that have been lost, the 7 million homes, others who have suffered as a result of this economic crisis get little or no relief. That is a stunning conclusion of the efforts that have gone on. It isn't about us. It is about the people out there who deserve far better than they are getting.

Still, even after it has become apparent that the Republican strategy is to delay and obstruct, even after it has become clear that the minority has very little to offer in this debate except for some false talking points read verbatim from the big banks' script, the minority leader took the floor again this morning and said:

Republicans believe the solution is for bipartisan talks to continue.

They will. As frustrated as I am, my door has never been shut. The door is still open to sit and resolve and work together to get to this bill. But I will not sit around days on end in the rope-a-dope game of never knowing who I am talking with, whether they have any ability to bring people to the table, ''just agree with my idea and I am still against the bill.'' I have to ask myself, why did I go through this process over the last 4 or 5 months, agreeing to much of what they were offering, and there is not a single political vote to show for it; in fact, a vote against even debating the bill in the end? Why would one ever go through what I did to end up at this particular point?

Apparently, someone finally informed the minority leader that those talks had been going on for over a year. So they will continue. But then again, he once again made the false statement that the bill would ''allow taxpayer dollars to bail out Wall Street banks.''

There they go again, the same old talking point, the mantra repeated. If one says it often enough, I guess it becomes true in some people's minds.

I say to my friend, the minority leader, if he wants to continue the debate, he could start by ceasing efforts to filibuster this bill before it gets to the floor; before, I would suggest, no more than probably two or three people have even seen it or have any idea how many titles are in it, what it includes, and what we try to achieve. If you want to debate, if you have ideas, then bring them to the floor. That is why this body exists.

If the debate is going to consist of Democrats offering ideas to tackle these very complex—and it is a complex set of issues—and critical challenges on behalf of American families and businesses and Republicans reading false talking points from Wall Street's playbook, then count me out. I will not engage in that kind of a debate or negotiation. I have no interest in that whatsoever.

We have a job to do. If my friends on the other side of the aisle don't feel like doing the work, maybe they should think about the millions of unemployed Americans who didn't go to work this morning because they lost a job in this economy, created by the mismanagement, the failure to step up and take steps to correct these problems over the last number of years. Those Americans would love nothing more than to put in an honest day's work for a good day's pay. But they can't because the same banks sponsoring this parade of bamboozlement on one side of the aisle cost our country 8.4 million jobs, 7 million homes, lost health care, and destroyed futures and retirement accounts. That is all gone.

What about them in this debate? Are their issues, their views, their concerns going to be discussed? No, just shut it down. Don't even debate the issue because ''you can't agree with my idea.''

That is not why this institution exists. It is not about the process. It is not about committee assignments. It is not about your idea or mine. It is about people beyond the walls of this Chamber who are counting on us to get a job done for them. Our failure to step up and even debate these issues and consider each other's ideas is a tragedy.

I know my friends on the other side of the aisle are faced with a difficult choice between supporting their party leadership and participating in this complicated, difficult debate. I am not naive. I know that is a hard place to be. But if we can't act like U.S. Senators for the sake of this issue, for the sake of legislation whose success or failure has such an enormous impact on the very survival of the middle class and the economy as we know it, then why are we even here? Why are we even engaged in this, if that is what the choice is?

It is easy to understand why the big banks don't like this bill. It is far harder for me to understand why any of us would be sympathetic to those arguments. We don't work for the big banks. We work for the American people who sent us here from our respective States. We work for families who have paid a steep price for Wall Street's risky behavior. We work for the American public that lost those jobs, those more than 8 million jobs, and still faces near double-digit unemployment. We work for an American public that lost nearly 7 million homes

to foreclosure, for millions of people who have seen their small businesses fail or their retirement accounts evaporate in a matter of hours. We work for an American public that is sick and tired of feeling like no one is looking out for their interests, like the political hacks and lobbyists hold all the cards in these discussions.

The minority seems intent on proving them right—I hope that is wrong, but I am worried they may be right—on proving that there is no issue more important than saying no, stopping all discussion, currying favor with special interests, and trying to gain petty political advantage, strangling this bill with a filibuster or suffocating it with false claims that stick our Nation and its taxpayers with bailouts forever; that will continue this era of greed and recklessness on Wall Street; that will leave us vulnerable once again to another economic crisis.

I have been here a long time. I know this institution is better than that. I know there are friends of mine on the other side who care about this bill, who want to be a part of the debate, who want to be part of the solution and have ideas to bring to the table and recognize no one group, no one Senator is going to write this bill exclusively. But I can't get there if the attitude is: We won't even let you debate or discuss it. That attitude is not what the American people expect of the Members of this body.

On their behalf, who desperately need us to act, I hope we are better than that; that in the coming days before this bill reaches the floor, we can find that common ground. If not, we need to go forward. But we need to have that debate on the floor of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. CORKER. I came to the floor of the Senate because my friend from Connecticut, who is my friend, made numerous comments about the process. I hope that possibly he would be willing to enter into a colloquy.

I will give a preamble, if I may. There is a lot of rhetoric that has gone on around this financial reform bill. I appreciate so much the chairman of the committee engaging me for 30 days to try to reach a bipartisan agreement. We voted a 1,336-page bill out of committee in 21 minutes with no amendments. We did so with the understanding—at least it was my understanding—that the best way to reach a bipartisan deal was to vote a bill out of committee—we knew it was going to be a party-line vote—to not stiffen opposition by having a bunch of amendments debated and maybe get people pulled further apart. Then what we would do is try to seek a template for a bipartisan bill before it came to the floor.

Mr. DODD. Will my colleague yield?

Mr. CORKER. I will.

Mr. DODD. That was the intention. But there were 401 amendments filed by 2 p.m. on Friday, before the announced markup of the bill. Over the weekend, staff came to work on amendments.

I say respectfully, no one from the minority side came in on the weekend. But over the weekend, it was suggested to me by the minority——

Mr. CORKER. Not by this Senator.

Mr. DODD. No, but that they wouldn't offer any amendments. It turned out to be a 21-minute markup. I was prepared to stay there all week, as my colleagues know, and announced in advance that would be the case.

So for the purposes of understanding here, again, that was their decision. I hope we could get to some agreement farther down the road. We agreed to a lot. The bill that was on the table that day for the markup was substantially different than the bill I offered as a discussion draft in November.

Mr. CORKER. No question.

Mr. DODD. So it reflected a lot of ideas and thoughts that have been incorporated between that date and the actual markup date. I say that.

Mr. CORKER. I have repeatedly publicly thanked the good Senator from Connecticut for going through that process, and there is no question it is a much better bill. As a matter of fact, I think it is a very amendable bill.

Here is what I would say. I think things are being said that—there is no question some of the attacks on the order to liquidation have been over the top. On the other hand, there is no question that Treasury and the FDIC created some loopholes. That is what executive branches do because they want the flexibility to do whatever they wish to do. I would do the same thing if I were them. But there are some things that need to be tightened up, and I think we could do that in 5 minutes, I really do.

I talked with the Treasury Secretary yesterday. It is obviously more of a committee-committee level deal now, and I understand that. But I think we could resolve that. But I think the thing, if I could—I know there have been discussions about this letter. The fact is, I think what we are trying to do is say let's get this template done over the next couple weeks. Let's do not slow it down.

I know you talked about entering a bill on April 26. I know there have been talks about maybe sliding a week because there are some other cats and dogs that need to be dealt with. But we can do this. I think if everybody would calm down, and if everybody would quit exaggerating how bad things are—there has been a lot of cooperation.

I just met with the ranking member. I left his office. I think there is a strong desire to reach a bipartisan agreement. I hope that—I am not blaming anybody, but I think the White House is stirring around on this. You have all kinds of forces going on. I think the good Senator from Connecticut wants a bipartisan bill that will stand the test of time. I know I want one. I know the ranking member wants one. I think most every Republican wants one. I think if we could quit shooting things over the transom and get settled down, I think, without even slowing down the introduction of this bill—not slowing it down 1 day; if we get serious as adults for the next 10 days or so, a week—I think we could finish. And I believe that.

I would ask—I would ask all my colleagues—and I ask this respectfully of my colleague from Connecticut—look, things did not get where they needed to be, and I understand what happened, but I still relish the fact that we came close. I think we can get back there. I do. I do not think anybody is trying to subterfuge this. I do not. I met with all my colleagues yesterday on the Republican side. We may have a few folks who do not want a bill, but just because they do not like laws. I am making that up slightly over the top myself. But I think most people want a good bill. And I say to the chairman, I think what you did in December demonstrated that you want a good bipartisan bill.

I do not think it is right—I will get into a little bit here—I do not think trying to call one Republican Senator to pick him off, two Republican Senators to pick them off—I do not think that is a bipartisan bill. Let's get back to the table to finish it.

Mr. DODD. My colleague wanted a colloquy here, and I am glad to be an audience for him. But if he wants a colloquy I will stay around.

Mr. CORKER. I am glad to listen, as I have often.

Mr. DODD. Let me say, again, I came here—if I have been strong it is because I am responding to the minority leader. The minority leader has come every morning now saying this bill perpetuates bailouts. I am not going to sit here idly and allow those accusations to be spread across the country when you and I both know that is not true—when I am told this is a partisan bill.

I have spent too much time here over too many years doing exactly what I have done in the 38 months I have been chairman of this committee; that is, to develop wherever I can bipartisan solutions to this bill. It has motivated me in everything I have done.

So to all of a sudden, out of the blue, knowing all the efforts I have made, along with others, to try and find that common ground—as my colleague from Tennessee well knows here—and then to be faced with a minority leader who should know better than coming to the floor making these silly accusations, false accusations about a process that has been anything but partisan, about conclusions in a bill that are anything but accurate in terms, in fact, of what is included in the legislation.

I am willing to listen to ideas on how we can make this tighter, if, in fact, that is the case, to stop the bailouts that are occurring in the country, all of that. But then having a letter being circulated, where 41 people, most of whom have no idea what is in this bill but just taking a political position because they are being asked to do so, without at least having some appreciation for those of us, including yourself, who have worked so hard on this to produce as good a bill as we can—understanding there are still ideas that many of our colleagues want to bring to this debate, and they should have a right to do that—that having a full-throated debate on the floor of the Senate—I am disturbed.

What does that say to future chairs? Why would you even bother doing what I went through if, in fact, at the end of it all the answer is: No, I am sorry, we did not get our way, so we are going to stop the debate? I find that terribly distressing. As a Member of this body, leaving it in a few months—I will not be here any longer next year for the debates—I have to say to the younger Members, the newer Members coming along: Be careful. If this is the template on how we operate, then all of the things I tried to do over the last year on this bill—from the hearings, involving everyone, going through the discussions, recognizing you did not solve every issue—then you have to ask yourself the question: Why would you do that if at the end of the process you get a letter circulated stopping a motion to proceed on a bill of this import after all the effort?

If this had been a purely partisan—you know, you are not allowed in the room. We are just going to keep you outside. We just want to write it—then I get that. You would be right, in my view. I would sign the letter, in fact, if that were the case. This is not that case, in my view. I say that respectfully to my colleague.

Mr. CORKER. I will respond respectfully that I think the course of action that is trying to get underway is to finish the bipartisan—let's face it. You and I went a long way. Then we stopped. On March 10 it ended. I understood that, look, you were losing Democrats on your committee.

Mr. DODD. And I was not gaining Republicans.

Mr. CORKER. You had one, and that is all you asked for when you started. I do not want to reiterate that. I never said I could speak for anybody but myself. And I did not leave the table. I never left the table. So the fact is, the bill took a partisan turn on March 10. There is no denying that. You would not deny that and look at me with a straight face.

There are some bipartisan solutions in this bill, I grant that, and I thank you for those inclusions. But there is still work to be done. And I would say to you that what Republicans are trying to do is say, let's finish that work before it gets to the floor. You have said this, and I do not think I am betraying confidences. I would never do that intentionally. This is a complicated piece of legislation.

What we need to do is get the template—at least bipartisan in the beginning. And then you are right, there are issues such as the Volcker rule and there are governance issues that are going to be amended back and forth. But let's at least get the main parts of the bill right in the beginning—close to right—not the way you would want it on your own, not the way I would want it on my own. That has not happened on a number of the titles, in fairness.

I would urge everyone—there has been a lot of work done. You have done a tremendous amount of work in this committee. Let's finish that work over the next 10 days. Let's quit yelling at each other, and let's finish the work the American people sent us to do. I am not lecturing. I say all this respectfully. Let's finish what we started.

Mr. DODD. I hope it can be the case. I thank my colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. KYL. Mr. President, there is a view that sometime next week—upon the disposition of the bill that is currently before us and perhaps some other matters—we might take up the issue of so-called financial regulatory reform. I wish to speak for a moment to one of the key issues I know is of concern to some of my colleagues, and certainly to me.

The American people have a pretty firm view on this whole thing after what they have seen with regard to TARP and the other bailouts. They are obviously not crazy about what has happened.

I think most Americans think there should be two basic goals: First, to prevent the kind of crisis that occurred from ever happening again; and, secondly, to make sure that taxpayers are not on the hook, especially if we are talking about the possibility of continued bailouts where Federal money would be involved in unwinding big Wall Street firms that get into trouble.

Unfortunately, this bill that came out of the Banking Committee, and could be brought to the floor next week—unless it is changed significantly—not only does not achieve the first goal, but it also carries forward that policy of ''too big to fail'' and taxpayer bailouts. That is why in its current form you have a lot of people on my side of the aisle saying it has to be changed. Let's get together, talk in a bipartisan way, and make sure we can both achieve the goal and, secondly, not carry forward current bad policies.

This bill, at least in my view—and I will explain why—would set the conditions for firms to become overleveraged; that is to say, taking on too much debt relative to their value, and it would entrench in law forever this concept of taxpayer obligation to bail out these firms.

Well, how would it do this? Primarily, it creates a $50 billion so-called orderly liquidation fund established through assessments on the largest banks. So at least the first part of the fund would be paid by banks themselves. But even that, obviously, would not be big enough to cover the bailout, for example, of one of our larger banks, let alone some of the other kinds of institutions. But by creating this fund, we are, in effect, designating those entities as ''too big to fail,'' meaning the government will have to then pick up obligations beyond what is covered by the $50 billion.

So after the exhaustion of that fund, and some other steps, taxpayers have provided not just an implicit but an explicit guarantee. I have read the language in the bill, and it provides the FDIC shall be liable, in effect, for amounts that are necessary beyond that. The specific language is the FDIC ''will guarantee the obligations of banks'' in times of severe economic distress. That is the status quo. That is what people object to. Why should we be on the hook for those big banks when they fail?

There are some additional problems. This kind of guarantee increases the likelihood that those firms will take risky behavior and then become overleveraged, just as what happened with the real estate entities, so-called Fannie Mae and Freddie Mac. Because there was an implicit guarantee the government would bail them out if they got into trouble, they took risks that were beyond what they should have taken, and the end result was, because they failed, we were on the hook, and for a lot more than would have been the case had they not taken those risks.

In addition to that, because there is an implicit guarantee, they are actually shielded from market forces and are given a competitive advantage over their competition. Private investors, as we saw in the cases of Fannie Mae and Freddie Mac, are more likely to lend to these firms and to charge them a lower interest rate because they are pretty well guaranteed that if anything bad happens, they will get their money back. Meanwhile, other banks, such as Arizona community banks, don't have that kind of implicit guarantee. In fact, a lot of those banks are on the brink, frankly, of collapsing today. They are charged more money in order to borrow money than these very large, too-big-to-fail institutions. So this creates an anticompetitive barrier that will, in effect, make cartels out of the large institutions that would receive this guarantee.

The consequences would be severe. Peter Wallison is a fellow at the American Enterprise Institute and is very knowledgeable about these matters. He wrote this last year:

Financial institutions that are not large enough to be designated significant will gradually lose out in the marketplace to the larger companies that are perceived to have government backing just as Fannie and Freddie were able to drive banks and others from the secondary market for prime middle-class mortgages. A small group of government-backed financial institutions will thus come to dominate all sectors of finance in the U.S.

Well, that is the formal way of saying what I said before, and that is one of the reasons we don't want to have this kind of implicit guarantee or, in the case of the legislation, explicit guarantee by the taxpayers. You will see the same kinds of distortions as were created by Fannie Mae and Freddie Mac in the housing market prior to the collapse of the financial sector last year.

Back in 2003, I was chairman of the Senate Republican policy committee, and we began researching and writing about this. We wrote two specific papers sounding the alarm about Fannie Mae and Freddie Mac. I was concerned back then that this explicit guarantee or backing of these institutions permitted them to operate without adequate capital and to assume more risk than their competitors and borrow at below market rates of interest, and that is exactly what happened. Smaller companies got crushed. Fannie and Freddie engaged in increasingly risky lending with the backing of the Federal Government. On a massive scale, they made mortgages available to people who could not afford them, like buying those risky mortgages, and that easy credit fueled very rapidly rising home prices. As prices rose, obviously, the demand for even larger mortgages rose, and Fannie and Freddie looked for ways to make even more mortgage credit available, notwithstanding a questionable ability to repay. It was a giant accident waiting to happen.

By 2008, these two GSEs—government-sponsored enterprises—held nearly $5 trillion in mortgages and mortgage-backed securities. They were overleveraged. They were too big to fail. The resulting collapse devastated our economy, and it left taxpayers with a tab of hundreds of billions of dollars. In fact, Fannie Mae and Freddie Mac have now transferred to you and me $6.3 trillion of their liabilities—just those two entities—and we are on the hook for it.

That is what we have to prevent from happening, but that is exactly what this legislation that passed out of the Banking Committee would permit. Why would we continue this kind of too-big-to-fail taxpayer liability in what we call a reform bill? We ought to stop that, make sure it never happens again.

I also wish to make this point, since there is a new regulator contemplated in this legislation. What happened to Fannie and Freddie happened despite the fact that they had their own dedicated regulator, and that is exactly what is proposed for institutions in this bill. In fact, the bill would use the very same regulators who failed to stop the financial crisis from happening.

I thought this was supposed to be reform. This isn't reform. I am reminded of a line from literature—I don't think it is from ''A Tale of Two Cities,'' but it could be—where the actor says, ''Reform, sir? Don't talk of reform. Things are bad enough already.'' That is kind of the way I look at this. We have problems, and the kind of reform that is being suggested here is not an improvement; it is a continuation of the same obligation of taxpayers to bail out those who are deemed too big to fail.

I wish to add that the bill even extends the scope of these potential future bailouts beyond banks. It would explicitly give the Federal Reserve authority to regulate any large company in America that it wanted to. Thus, the Financial Stability Oversight Council, FSOC, would have the power to designate nonbank financial institutions as a threat to financial stability—the code word for ''too big to fail.'' So a new government board based in Washington would decide which institutions get special treatment, giving unaccountable bureaucrats tremendous authority to pick winners and losers, and these favorite firms, too, would have a funding advantage over their competitors.

In addition to extending this to bigger companies, the legislation extends this same definition all the way through our financing sectors to smaller companies. For example, one of the auto dealers in your town that finances the automobiles you buy, if you have more than four payments, they are covered under here. It even would cover a dentist's office or an optometrist. If it takes more than four payments to take care of what he had to do, he would be covered by this. So this would extend to small and large and in all cases puts a government bureaucrat in charge of trying to find out why a firm is in trouble and ultimately requires, if they are needed, taxpayers to come to the rescue of these firms. As I said, we have to avoid making the mistakes of the past. A firm's cost of capital should be based on its ability to repay its commitments, not on the probability of future government assistance.

So given recent experience, I would suggest that we need a more competitive financial industry with many firms, not just a few large firms with implicit government guarantees dominating the market.

I started my comments by speaking about what the American people don't like and what they would like to see. I think they deserve a better approach than this legislation that passed out of the Banking Committee, one that promotes accountability and responsible oversight. This bill, as I said, is a risk the taxpayers don't need and, frankly, cannot afford.

So I urge my Democratic colleagues to reengage with Republicans to produce a bipartisan bill that can pass the Senate by a wide margin. Let's not have any more health care bills where it is done strictly on a partisan, party-line basis, with a consensus lacking, with the American people not liking what is being done. We can provide for the orderly bankruptcy of these failed institutions without keeping taxpayers on the hook for losses.

By the way, a lot of this reform has to deal with preventing the bankruptcy in the first place—in other words, regulating some of these new esoteric financial instruments so that there is greater transparency in the complicated trading of these financial instruments.

I think we can work this out and keep politics out of it. Everybody understands there are things which need to be done to prevent the kind of collapse we had in the past. It is my understanding that the hard-working members of the Banking Committee on both sides of the aisle had been working hard together and had been producing compromises. They were characterized to me as, it is not everything I would want, but then in a compromise you don't get everything you want. That is the spirit in which we can work together to produce a product that I think would be acceptable to our constituents, who don't want to be on the hook for any more of these bailouts, as well as provide the kind of transparency up front and procedures for unwinding businesses on the back end when they finally are unable to continue in business, a process which would not require the taxpayers to bear ultimate responsibility for their losses. If we are able to work together to do this, it will be a win-win situation for the American people, and just maybe we will demonstrate that Republicans and Democrats can actually sit down together, work something out, and pass a bill that is good for everybody.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ARTICLES OF IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS, JR.

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the replication of the House of Representatives to the Answer of Judge G. Thomas Porteous, Jr., to the Articles of Impeachment against Judge Porteous, pursuant to S. Res. 457, 111th Congress, Second Session, which replication was received by the Secretary of the Senate on April 15, 2010.

The materials follow.

CONGRESS OF THE UNITED STATES,
Washington, DC, Apr. 15, 2010.

Re Impeachment of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana.

Hon. NANCY ERICKSON,
Secretary of the Senate,
U.S. Senate, Washington, DC.

DEAR MS. ERICKSON: Pursuant to Senate Resolution 457 of March 17, 2010, enclosed is the Replication of the House of Representatives to the Answer of G. Thomas Porteous Jr., to the Articles of Impeachment.

A copy of the Replication and of this letter will be served upon counsel for Judge Porteous today through electronic mail.

Sincerely,

ALAN I. BARON,
Special Impeachment Counsel.

IN THE SENATE OF THE UNITED STATES
Sitting as a Court of Impeachment

IN RE: IMPEACHMENT OF G. THOMAS PORTEOUS, JR., UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

REPLICATION OF THE HOUSE OF REPRESENTATIVES TO THE ANSWER OF G. THOMAS PORTEOUS, JR., TO THE ARTICLES OF IMPEACHMENT

The House of Representatives, through its Managers and counsel, respectfully replies to the Answer to Articles of Impeachment as follows:

RESPONSE TO THE PREAMBLE

Judge Porteous in his Answer to the Articles of Impeachment, denies certain of the allegations and makes what are primarily technical arguments as to the charging language that do not address the factual substance of the allegations. However, it is in Judge Porteous's Preamble that he sets forth his real defense and, without denying he committed the conduct that is alleged in the Articles of Impeachment, insists that nevertheless he should not be removed from Office.

At several points in his Preamble, Judge Porteous notes that he was not criminally prosecuted by the Department of Justice, the implication being that the House and the Senate should abdicate their Constitutionally assigned roles of deciding whether the conduct of a Federal judge rises to the level of a high crime or misdemeanor and warrants the Judge's removal, and should instead defer to the Department of Justice on this issue. Judge Porteous maintains that impeachment and removal may only proceed upon conduct that resulted in a criminal prosecution, no matter how corrupt the conduct at issue, or what reasons explain the Department's decision not to prosecute. Judge Porteous provides no support for this contention because there is none—that is not what the Constitution provides.

Indeed, the Senate has by its prior actions made it clear that the decision as to whether a Judge's conduct warrants his removal from Office is the Constitutional prerogative of the Senate—not the Department of Justice—and the existence of a successful (or even an unsuccessful) criminal prosecution is irrelevant to the Senate's decision. The Senate has convicted and removed a Federal judge who was acquitted at a criminal trial (Judge Alcee Hastings). The Senate has also convicted a Federal judge for personal financial misconduct (Judge Harry Claiborne) while at the same time acquitting that same Judge of the Article that was based specifically on the fact of his criminal conviction.[1] Thus, Judge Porteous's repeated references to what the Department of Justice did or did not do adds nothing to the Senate's evaluation of the charges or the facts in this case.[2]

Further, according to Judge Porteous, pre-Federal bench conduct cannot be the basis of Impeachment, even if that conduct consisted of egregious corrupt activities that was beyond the reach of criminal prosecution because the statute of limitations had run, and even if Judge Porteous fraudulently concealed that conduct from the Senate and the White House at the time of his nomination and confirmation. There is nothing in the Constitution to support this contention, and it flies in the face of common sense. The Senate is entitled to conclude that Judge Porteous's pre-Federal bench conduct reveals him to have been a corrupt state judge with his hand out under the table to bail bondsmen and lawyers. Such conduct, which, as alleged in Articles I and II, continued into his Federal bench tenure, demonstrates that he is not fit to be a Federal judge.

Finally, the notion that Judge Porteous is entitled to maintain a lifetime position of Federal judge that he obtained by acts that included making materially false statements to the United States Senate is untenable. Judge Porteous would turn the confirmation process into a sporting contest, in which, if he successfully were to conceal his corrupt background prior to the Senate vote and thereby obtain the position of a Federal judge, he is home free and the Senate cannot remove him.

ARTICLE I

The House of Representatives denies each and every statement in the Answer to Article I that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article I sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that Article I is vague. To the contrary, Article I sets forth several precise and narrow factual assertions associated with Judge Porteous's handling of a civil case (the Liljeberg litigation), including allegations that Judge Porteous ''denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg'' and that while that case was pending, Judge Porteous ''solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash.'' There is no vagueness whatsoever in these allegations. Article I's allegation that Judge Porteous deprived the public and the Court of Appeals of his ''honest services''—a phrase to which Judge Porteous raises a particular objection—could not he more clear and free of ambiguity as used in this Article, and accurately describes Judge Porteous's dishonesty in handling a case, including his distortion of the factual record so that his ruling on the recusal motion was not capable of appellate review.[3]

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of the purported affirmative defense that Article I charges more than one offense. The plain reading of Article I is that Judge Porteous committed misconduct in his handling of the Liljeberg case by means of a course of conduct involving his financial relationships with the attorneys in that case and his failure to disclose those relationships or take other appropriate judicial action. The separate acts set forth in Article I constitute part of a single unified scheme involving Judge Porteous's dishonesty in handling Liljeberg. Further, the charges in this Article are fully consistent with impeachment precedent.[4]

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the voluntary statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges. Judge Porteous was provided a grant of immunity in connection with his Fifth Circuit Hearing testimony, and the immunity order provided that his testimony from that proceeding could not be used against him in ''any criminal case.'' Simply put, an impeachment trial is not a criminal case.[5] Accordingly, there is simply no credible basis to argue that the Senate should not consider Judge Porteous's voluntary and immunized Fifth Circuit testimony.

ANSWER TO ARTICLE II

The House of Representatives denies each and every statement in the Answer to Article II that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article II sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that the Article is vague. To the contrary, Article II sets forth several precise and narrow factual assertions associated with Judge Porteous's relationship with the Marcottes—both prior to and subsequent to Judge Porteous taking the Federal bench. Article II alleges with specificity the things of value given to Judge Porteous over time and identifies the judicial or other acts taken by Judge Porteous for the benefit of the Marcottes and their business.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that the Article improperly charges multiple offenses. The plain reading of Article II is that Judge Porteous engaged in a corrupt course of conduct whereby, over time, he solicited and accepted things of value from the Marcottes, and, in return, he took judicial acts or other acts while a judge to benefit the Marcottes and their business.

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that Article II improperly charges pre-Federal bench conduct as a basis for impeachment. First, Article II plainly alleges that Judge Porteous's corrupt relationship with the Marcottes continued while he was a Federal Judge. Second, Judge Porteous's assertion that pre-Federal bench conduct may not form a basis for impeachment finds no support in the Constitution and is not supported by any other sound legal or logical basis.[6] As a factual matter, it is especially appropriate for the Senate to consider Judge Porteous's pre-Federal bench corrupt relationship with the Marcottes where it was affirmatively concealed from the Senate in the confirmation process,

where it involved conduct as a judicial officer directly bearing on whether he was fit to hold a Federal judicial office, and where that conduct, having now been exposed, brings disrepute and scandal to the Federal bench.

ARTICLE III

The House of Representatives denies each and every statement in the Answer to Article 111 that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article III sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges in substance that the allegations in Article III are vague. To the contrary, Article III sets forth several specific allegations associated with Judge Porteous's conduct in his bankruptcy proceedings. There is no credible contention that Judge Porteous cannot understand what he is charged with in this Article.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges, in substance, that Article III charges more than one offense. The plain reading of Article III is that Judge Porteous committed misconduct in his bankruptcy proceeding by making a series of false statements and representations, and by incurring new debt in violation of a Federal Bankruptcy Court order. This Article alleges a single unified fraud scheme, with the purpose of deceiving the bankruptcy court and creditors as to his assets and his financial affairs, so that Judge Porteous could enjoy undisclosed wealth and income for personal purposes including gambling.

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the voluntary statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges. Judge Porteous was provided a grant of immunity in connection with his Fifth Circuit Hearing testimony, effectively eliminating the possibility that any of that testimony could be used against him in any criminal case. An impeachment trial is not a criminal case. There is simply no credible basis to argue that the Senate should not consider Judge Porteous's voluntary and immunized Fifth Circuit testimony.

FIFTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense—which does not take issue with the proposition that Judge Porteous committed misconduct in a Federal judicial bankruptcy proceeding, but contends only that the acts as alleged do not warrant impeachment. First, this is not an affirmative defense. It is up to the Senate to decide whether the facts surrounding the bankruptcy warrant impeachment.

Second, the Senate has in fact removed a judge for personal financial misconduct, and in 1986 convicted Federal Judge Harry Claiborne and removed him from office for evading taxes. It is significant that the Senate did not convict Judge Claiborne for the crime of evading taxes. Rather, the Senate acquitted Judge Claiborne of the one Article that charged him with having committed and having been convicted of a crime.

Third, what the Department of Justice may consider material for purposes of a criminal prosecution has nothing to do with what the Senate may deem to be material for purposes of determining whether Judge Porteous should be removed, from Office—an Office which requires that he oversee bankruptcy cases and administer and enforce the oath to tell the truth.[7]

ARTICLE IV

The House of Representatives denies each and every statement in the Answer to Article IV that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article IV sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges the Article is vague. The allegations sets forth in Article IV are specific and precise. In fact, Judge Porteous's description of the charge fairly characterizes the offense: ''In essence, Article IV alleges that Judge Porteous gave false answers on various forms that were presented in connection with the background investigation. . . . It is apparent, therefore, that Judge Porteous has a clear understanding of these allegations in Article IV, which specify the dates and circumstances when the statements were made, and the contents of the statements that are alleged to have been false. There is no credible contention that Article IV does not provide Judge Porteous specific notice as to what this Article alleges.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense. The allegations set forth in Article IV are specific and precise. They charge in substance that Judge Porteous made a series of false statements to conceal the fact of his improper and corrupt relationships with the Marcottes and with attorneys Creely and Amato in order to procure the position of United States District Court Judge. Charging these four false statements, all involving a single issue, in a single Article is consistent with precedent.'

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, alleging that the Senate cannot impeach Judge Porteous based on pre-Federal bench conduct. First, Judge Porteous's assertion that pre-Federal bench conduct may not form a basis for impeachment is not supported by the Constitution. Notwithstanding Judge Porteous's assertions to the contrary, the Constitution does not limit Congress from considering pre-Federal bench conduct in deciding whether to impeach, and there are compelling reasons for Congress to consider such conduct—especially where such conduct consists of making materially false statements to the Senate. The logic of Judge Porteous's position is that he cannot be removed by the Senate, even though the false statements he made to the Senate concealed dishonest behavior that goes to the core of his judicial qualifications and fitness to hold the Office of United States District Court Judge. The proposition that the Senate lacks power under these circumstances to remedy the wrong committed by Judge Porteous is simply untenable.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By

ADAM SCHIFF,
Manager.
BOB GOODLATTE,
Manager.
ALAN I. BARON,
Special Impeachment Counsel.

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. ''Hank'' Johnson, F. James Sensenbrenner, Jr.

April 15, 2010.

ENDNOTES

[1] Judge Harry E. Claiborne was acquitted of Article III, charging that he ''was found guilty by a twelve-person jury'' of criminal violations of the tax code, and that ''a judgement of conviction was entered against [him].'' See ''Impeachment of Harry E. Claiborne,'' H. Res. 471, 99th Cong., 2d Sess. (1986) (Articles of Impeachment); 132 Cong. Rec. S15761 (daily ed. Oct. 9, 1986) (acquitting him on Article III).

[2] Moreover, the Department of Justice's investigation hardly vindicated Judge Porteous. To the contrary, the Department viewed Judge Porteous's misconduct as so significant that it referred the matter to the Fifth Circuit for disciplinary review and potential impeachment, and set forth its findings in its referral letter.

[3] Judge Porteous treats Article I as if it alleges the criminal offense of ''honest services fraud,'' in violation of Title 18, United States Code, Section 1346, and that because the term ''honest services'' has been challenged as vague in the criminal context, the term is likewise vague as used in Article I. Despite Judge Porteous's suggestion to the contrary, Article I does not allege a violation of the ''honest services'' statute. Moreover, it could hardly be contended that proof that Judge Porteous acted dishonestly in the performance of his official duties does not go to the very heart of the Senate's determination of whether he is fit to hold office.

[4] The respective Articles of Impeachment against Judges Halsted L. Ritter, Harold Louderback, and Robert W. Archbald each set forth lengthy descriptions of judicial misconduct arising from improper financial relationships between those judges and the private parties. These consist of detailed narration specifying numerous discrete acts. *See* ''Impeachment of Judge Halsted L. Ritter, ''H. Res. 422, 74th Cong., 2d Sess. (March 2, 1936) and ''Amendments to Articles of Impeachment Against Halsted L. Ritter,'' H. Res. 471, 74th Cong., 2d Sess. (March 30, 1936), reprinted in ''Impeachment, Selected Materials, House Comm. on the Judiciary,'' Comm. Print (1973) [hereinafter ''1973 Committee Print''] at 188–197 (H. Res. 422), 198–2902 (H. Res. 471); [''Articles of Impeachment against Judge Robert W. Archbald''], H. Res. 622, 62d Cong., 2d Sess (1912), 48 Cong Rec. (House) July , 1912 (8705–08), reprinted in 1973 Committee Print at 176; and [''Articles of Impeachment against George W. English,''] Cong Rec. (House), Mar. 25, 1926 (6283–87), reprinted in 1973 Committee Print at 162.

[5] The Constitution makes it clear that impeachment was not considered by the Framers to be a criminal proceeding. It provides: ''Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment,

according to Law.'' U.S. Const., Art. 3, cl. 7. Sec also, United States v. Nixon, 506 U.S. 224, 234 (1993) (''There are two additional reasons why the Judiciary, and the Supreme Court in particular, were not chosen to have any role in impeachments. First, the Framers recognized that most likely there would be two sets of proceedings for individuals who commit impeachable offenses—the impeachment trial and a separate criminal trial. In fact, the Constitution explicitly provides for two separate proceedings. . . . The Framers deliberately separated the two forums to avoid raising the specter of bias and to ensure independent judgments . . .'').

[6]As but one example, if the pre-Federal bench conduct consisted of treason, there could be no credible contention that such conduct would not provide a basis for impeachment.

[7]It should be noted that Judge Porteous has testified and cross-examined witnesses at the Fifth Circuit Hearing on the subject of his bankruptcy, and the House therefore possesses evidence that was unavailable to the Department of Justice.

[8]As but one example, Article III of the Articles of Impeachment against Judge Walter Nixon charged that he concealed material facts from the Federal Bureau of Investigation and the Department of Justice by making six, specified, false statements on April 18, 1984 at an interview, and by making seven discrete false statements under oath to the Grand Jury. ''Impeachment of Walter L. Nixon, Jr.,'' H. Res. 87, 101st Cong., 1st Sess. (1989) (Article III).

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Illinois.

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

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

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

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

CELEBRATING THE LIFE OF BENJAMIN HOOKS

Mr. BURRIS. Mr. President, early this morning, we awoke to sad news out of Memphis, TN. This country has lost a civil rights pioneer, a strong leader, and a witness to history.

Benjamin Lawson Hooks fought all of his life for freedom, prosperity, and universal equality. When the world was consumed by war, Benjamin put on the uniform of the 92nd Infantry Division and rendered honorable service to his country.

When peace was won and America looked inward today to address policies of discrimination and inequality, he was on the frontlines once again, standing with visionaries such as Rev. Dr. Martin Luther King, Jr.

At every turn, and at every moment in his life, he waged to fight against injustice. He became an attorney and was eventually appointed as the highest ranking Black Federal judge in the State of Tennessee. But that was only the beginning of a remarkable career in public service.

Benjamin Hooks was the first African American to serve on the Federal Communications Commission, where he spoke out against biased reporting in the media and called for minority ownership of TV and radio stations.

In 1977, he was unanimously elected as President of the National Association for the Advancement of Colored People, the NAACP—a position he would hold with distinction until his retirement in 1993 and which would come to define his career.

Throughout those tumultuous years, Benjamin Hooks was at the forefront of the nonviolent struggle for civil rights. He constantly challenged old assumptions, stood up to discrimination, and fought against those who defended the status quo.

He taught us the courage to live out our convictions. He showed us how to translate our dearest principles into words and action.

In 1980, he became the first national leader to address conventions of both political parties. He denounced those who resorted to violence, and he personally led prayer vigils, peaceful protests, and countless other popular demonstrations.

At various times throughout his career, Benjamin Hooks served as a pastor, a soldier, a judge, and a political leader. He fought for equality in the courtroom, on the pulpit, on the airwaves, and even on the battlefield, but never did he act for personal gain. Not once did he forget the cause of justice that he and others dedicated their lives to defend.

So great was the legacy of this civil rights leader, so deep was the impact he had on the fabric of our society, that even today, on the sad occasion of his passing, I cannot help but feel a lasting sense of pride in the profound and enduring accomplishments he leaves behind.

Benjamin Hooks will be sorely missed by all who knew him, particularly his family, to whom we express our deepest condolences today.

Even as we mourn his loss, I urge my colleagues to join me in celebrating his memory and honoring the living legacy he leaves behind. I am sure Benjamin would be the first to remind us that we must not pause in remembrance for long because there is much work yet to be done.

Let us take up this fight. Let us defend the principles that guided Benjamin Hooks throughout his life and embrace the spirit that drove this pioneer to reach for equality, fight for opportunity, and aspire to greatness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3214 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, 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. LEMIEUX. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LEMIEUX. I ask to speak as in morning business.

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

TAX DAY

Mr. LEMIEUX. Mr. President, today is April 15. It is the day Americans are required by law to file their tax returns to pay their fair share to the Internal Revenue Service so that we can operate the Federal Government. I think it is appropriate on a day such as this to talk about the taxes and the efforts of Americans over the past months to put together their financial information to pay what they must pay to the government.

Leading up to today, Americans have been involved in that effort of carefully preparing their income tax returns. It is estimated that 7.6 billion hours of time and more than 1 million accountants were required to file this year's returns. Our Tax Code has become so complicated that it takes 7.6 billion hours for Americans to file and figure out those complicated returns, and more than 1 million accountants to help us in our efforts.

I know my wife Meike last night was up late making sure we got everything in on time. We do our own taxes, and it is not easy to understand, even for someone like my wife who is an accountant and who is trained in it.

It begs the question—why? Every time we do something in this government that does not necessarily help the folks we represent, it is our obligation to question those practices. Need the Tax Code be as difficult as it is? Need it take so many billions of hours of Americans' time, time that could be spent working, time that could be spent with their families? Need we employ 1 million service providers in the form of accountants to help us fill out all these taxes? Of course, the answer is no. There are good proposals in this Chamber and in the House to simplify the Tax Code, to make it so one can put it on one piece of paper.

My colleagues, Senator GREGG and Senator WYDEN, have such a proposal. There is a proposal in the House that offers the same type of clarity and simplicity to allow Americans, if they choose, to file taxes quickly and easily. Certainly, that is something we should undertake and be about.

But let's also ask this question: Is the amount of money that Americans pay in tax actually going to something that is effectively and efficiently administered by the Federal Government? Let's think about all of the money that Washington is taking from Americans every day—and not just Washington, our State and local authorities. In fact, when you think

about the number of taxes that people pay, it is quite amazing.

First, they go to their jobs in the morning and they make a salary and they pay tax on their income. Then, if they choose to spend that money, they are taxed in a variety of different ways because, if not every State, virtually every State has a sales tax. So they are taxed on the money they make and then they are taxed on the money they spend. Of course, if they do not want to spend that money and save it, we are going to tax them on that too.

Think about that. What kind of incentive should we be creating for Americans? Should we be saying they should save their money or should we be saying they should spend it? We tax them, albeit at a lower rate, even to save their money.

Any interest they receive on money they put in the bank, or if they invest in a mutual fund or a stock and they receive returns on that investment—they sell that stock, they pay tax again. Of course, we know when they die they pay death taxes.

But that is not all. Do you have a phone? You are paying a tax on that. Do you have a cell phone? You pay tax on that. Do you have cable television? You pay tax on that. Do you want to buy property in the State of Florida where I am from? You pay tax on that. Do you want to own and hold property? You pay tax on that.

For some Americans, more than 50 percent of what they make, more than half is paid in taxes. I contend that it is immoral to take from anybody more than half of what they make in taxes, especially if how that money is being spent is not being spent wisely.

Here in Washington we are very good at taxing. Now we have become very good at spending. This year we are figuring the 2011 budget. We are going to take in an estimated $2.2 trillion, but we are going to spend $3.8 trillion—$1.6 trillion more than we are going to take in. We are not looking at the money we are taking in in taxes and trying to figure out how much we should spend based upon that baseline. We spend based upon what this Congress decides it needs.

We have a Budget Committee in the Senate. There is one in the House, too. But the truth of it is we do not operate under a budget. American families sit down at the kitchen table and figure out how much they make and therefore how much they can spend. American businesses do the same thing. So do State governments, by the way. State governments that have balanced budget requirements like my home State of Florida right now are in their legislative session, and they are evaluating how much they can spend based upon how much they are going to have from tax receipts. Guess what. They only spend what they take in. They have three choices: They can cut spending, they can raise taxes, or find new sources of revenue.

Here in Washington it is like it is a different conversation, if there is a conversation even at all, because we do not talk about spending based upon what we take in. We talk about spending based upon what people in this Chamber want to spend money on. That system, unfortunately, threatens the very viability of this country.

We know right now that we have a nearly $13 trillion national debt. Remember, 1 trillion is 1,000 billion. These numbers are so staggering, it is hard to comprehend them. We know if we continue to spend the way we are projected to spend, this administration has told us that by 2020 we will be $22 trillion in debt. Why is that important? It is important because it hurts investment in our country, and it is important because more and more of what we spend each year goes to paying interest on the debt. This year, we are going to spend more than $200 billion just paying interest on money we should not have spent in the past. If we keep going, by 2020 we will spend $900 billion a year on interest. And, my friends, by the time we get to that point, the system will have failed because, with mandatory spending, spending on Social Security, Medicare, and Medicaid, plus $900 billion in interest payments, there will not be any money left for anything else. There will not be any money left for defense. There will not be any money left for homeland security. There will not be any money left for commerce or agriculture or any of the other programs, and the system will have failed. So do we wait until 2020 when the system fails or do we do something about it now?

We do not have a problem on the revenue side. We are taxing people plenty, and today is a day when most Americans realize that. There is a real problem in this country that we do not think about taxes more because they are sort of hidden from us. We have something called withholding. Most people work for somebody else, they are employees, and they get their check every week, every 2 weeks, once a month. And what do they look at? They want to know what the bottom-line number is. They think that is what they make. They think that is what their employer is paying them, in effect. They do not realize—and none of us do—that they make the top-line number. What is in our check is after everything else has been paid.

Imagine if we got rid of withholding. Imagine if every American was required, at the end of the month or at the end of a quarter, as small businesspeople have to do, to write a check to the Federal Government to actually pay their taxes, to take that affirmative act instead of having it withheld out of their check. I think Americans would be in the streets. I think they would be protesting because they would finally realize how much money they are actually paying in taxes.

Our problem in this country isn't not enough tax. We do not need to, as members of this administration have suggested, add a value added tax or the equivalent of a national sales tax to help get us out of our deficit and debt problems. What we need to do is stop spending money we do not have.

By the way, this body and the body down the hall—you would think we would be focused on oversight, trying to figure out how the money is being spent in these agencies. Sadly, I tell you that is a topic of little interest to many of the people in either of these two bodies. My colleagues for the most part—and there are notable exceptions—care more about creating new programs than focusing on the programs we have.

So what we need is a construct. We need something that is going to focus us on spending—spending less. Legislation comes to the floor, and we have a Member of the Senate champion and shepherd that legislation through to spend money. What we do not have is a procedure to focus us on spending less. All the mechanisms here, all the directions flow toward spending money. They never flow toward saving money. We have to change the structure around here, even if just a little. We have to change the focus. What we need to focus on is not spending as much money so that we can have a balanced budget.

Yesterday, I proposed a solution called the 2007 solution and filed legislation to this end, that we would freeze spending at the 2007 spending levels because if we did that, we could balance the budget by 2013 and by 2020 we could cut our national debt in half—not the $22 trillion that is estimated but $6 trillion, half of the $12 trillion debt we have now—and we could save America for our children because if we continue down the path we are on, they are not going to have the opportunities we have. We have been able to enjoy an America where anything is possible, where you are not limited by anything but your hopes and dreams. But for our children—I have four little ones: Max, Taylor, Chase, and Madeleine. Madeleine is 2 weeks old. They are not going to have the same opportunities I have enjoyed if their country cannot afford to meet its obligations; if investors from around the world no longer come here because we are no longer a good investment; if we have to raise taxes to such an incredibly high level that it stifles innovation and entrepreneurship, where my kids come to me, when they are 18 or 22, when they are done with school, and say: Dad, I am going to Ireland or India or Brazil or some other country because the promise of that country is greater than that of the United States of America. So it is incumbent upon us in this time—not tomorrow, not next week, not next year, not when we think the economy is doing better, but today—to start getting our spending under control.

Why can't we live off of what we lived off of in 2007? When I go back to Florida—and I talked to some folks today from Florida who are here from

Bartow, which is in central Florida, in Polk County, and I said to these business leaders: Could you live off what you had in 2007? They all shook their heads affirmatively because they had more money in 2007 than they have today.

So now that we have gotten past the stimulus and that big bulge in our spending, hopefully, is over, why can't we go back to 2007 levels, before the economy declined? Remember, it was not until December of 2007 that the recession started. Why can't we go back to that robust year and say: This is our baseline. We took in $2.7 trillion that year. That is more than we expect to take in this year by $½ trillion. Why can't we live on that level? Guess what. Then we would have to come to the floor of the Senate—and our colleagues would have to do it in the House of Representatives—and have a discussion about priorities: Do we need to spend as much money as we are spending today in our various agencies? Are we getting bang for the buck?

When is the last time a Cabinet Secretary, an agency head went inside their department and said: I want you to find cuts of 10 percent, 20 percent. I want you to use technology to create efficiencies. Let's impose a hiring freeze until we can figure out whether we can do more with less.

American businesses have been doing this for the past 3 years during this recession. They have been cutting in order to make ends meet. Government is going to have to do the same. And I guarantee you that there are hundreds of billions of dollars of waste and inefficiency and fraud in the system; that if we spent as much money and attention and time focusing on that as we do on creating new programs, we could right our fiscal house.

So I have offered this legislation to bring us back to 2007, really just to have a debate, have a focus and a structure to talk about it every year for 50 hours on the floor of this Chamber and in the House so that we can begin to focus on what matters; that is, putting our fiscal house in order so that our children have the same opportunities we have because, frankly, that is our solemn obligation in this country. Our obligation is to make sure our children have equal or greater opportunities than we had. Everything else that we do, by comparison, will not measure up if we fail to meet that solemn and sacred vow.

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

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

The bill clerk proceeded to call the roll.

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

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

FINANCIAL REFORM

Mr. SANDERS. Madam President, my understanding is, our Republican colleagues have been on the floor and have expressed their concerns about financial reform and their desire to work in a bipartisan way. I welcome that. I am going to lay out some ideas I hope could have Republican support. I am not sure they will, but I would love to see it because the vast majority of the people in our country are profoundly disgusted with the behavior on Wall Street, the greed, the recklessness, the illegal behavior which has led us to the terrible recession we find ourselves in today. I wish to tick off a couple issues I hope my Republican colleagues would be interested in working with me on.

Every week I receive—and I suspect others do as well—telephone calls and letters and e-mails from people in my State who are outraged by the kind of interest rates they are forced to pay, interest rates which are nothing less than usury, usury which has been condemned by every major religion in this world, which has been condemned throughout history by some of our great philosophers and writers who have basically said it is wrong and immoral to force desperate people who are in need of loans to pay outrageous interest rates.

Yet today more than one-quarter of all credit cardholders in this country are paying interest rates above 20 percent and, in some cases, as high as 79 percent. That is not providing credit. That is loan sharking. That is doing precisely what criminals do when they lend people money and then break their kneecaps if they don't pay it back on time—except the loan sharks who are doing this now wear three-piece suits. They don't break kneecaps, but they destroy lives by forcing people to pay outrageously high interest rates when people are using their credit cards to buy groceries, to fill the gas tank to get to work, to pay for basic needs their families have.

Millions of credit cardholders have received letters from Citibank, Bank of America, Wells Fargo, and JPMorgan Chase notifying them that their interest rates are going up, in some cases to 30 percent. A point that has to be made is that these four large banks, the four largest banks in a America, issue two-thirds of the credit cards. These four banks are ripping off the American people from one end of the country to the other. It is time that outrageous behavior ended.

I hope my Republican colleagues who have come to the floor expressing concern about Wall Street, I hope what they are saying is more than just rhetoric, that they truly want to do something. If they want to do something, I hope they will join me when I offer an amendment as part of financial reform to cap credit card interest rates at 15 percent. That is the same statutory cap that has been in existence for 30 years at credit unions all over the country. Credit unions are doing just fine, but by law, they cannot ask for more than 15 percent, except under certain circumstances, when it can go up to 18 percent. If that is good enough for credit unions, it should be good enough for Citibank, Bank of America, Wells Fargo, JPMorgan Chase, and other large financial institutions.

If my Republican friends are sincere, I hope they will join me in supporting efforts to bring transparency to the Federal Reserve. An amendment I intend to offer will do that. What we need to do, among many things, is to understand which financial institutions during the bailout received over $2 trillion in secret taxpayer-backed loans virtually interest free. Who are they? Last year, as a member of the Budget Committee, I asked Fed Chairman Bernanke that simple question. He said, no, he is not going to tell me which financial institutions, he is not going to tell the American people which financial institutions received trillions of taxpayer dollars. I have a problem with that. I believe the American people do. We are going to offer an amendment as part of financial reform in order to understand what, in fact, is happening, to demand transparency there.

In April of last year, the Senate voted 59 to 39 on an amendment I offered with Senators WEBB, BUNNING, and FEINGOLD to the budget resolution calling on the Fed to release this information. Yet as of this day, the Fed has refused to do so. In August of last year, Federal U.S. district judge Loretta Preska, nominated by President George W. Bush, ordered the Federal Reserve to release this information. The Fed appealed that decision and last March the U.S. appeals court in Manhattan upheld that decision. Yet the Fed has still not disclosed this information. Over 300 Members of Congress have cosponsored legislation calling for an independent audit of the Fed. In other words, we now have 59 Senators, over 300 Members of Congress, a U.S. district court judge, and a U.S. appeals court that have said to the Chairman of the Fed, Mr. Bernanke, in no uncertain terms, that the American people have a right to know the names of the largest banks that have received over $2 trillion in taxpayer-backed loans from the Federal Reserve.

If my Republican friends are sincere, if they truly want to take on the greed and the recklessness of Wall Street, if they want to give the American people transparency as to what is happening on Wall Street, I certainly hope they will support that amendment.

I also hope we can receive support to address the issue of too big to fail. In that regard, I have offered legislation which is pretty simple. It says the Treasury Department would provide a list to Congress of all the too-big-to-fail banks in this country within 90 days of passage of that legislation and break them up within 1 year so they can no longer threaten to bring down the economy if, once again, they get into trouble. Quite amazingly—and I think most people don't understand

this—under the leadership of the Bush administration and Fed Chairman Bernanke, the largest financial institutions since the bailout have not gotten smaller; in fact, they have become larger.

In 2008, the Bank of America, the largest commercial bank in the country, which received a $45 billion taxpayer bailout, purchased Countrywide, the largest mortgage lender in the country, and Merrill Lynch, the largest brokerage firm. In other words, what we are seeing in at least three out of the four largest banks is, since the bailout, they have become even larger, becoming an even greater threat to the financial stability of the country if, once again, they are ever in a position to fail.

The issue of large banks is not only that they are a threat to the stability of our economy, if they are about to fail. The other aspect of the problem is the concentration of ownership that currently exists. When we have four large financial institutions that issue two-thirds of the credit cards in the country and half the mortgages, we have a very dangerous and noncompetitive type of situation. Given the fact that we have seen these financial institutions issue esoteric and not understandable financial instruments whose only goal is to secure more money and profits and compensation packages for the CEOs of these institutions, we need to start breaking them up and have financial institutions that understand that their role is to provide credit to the productive economy, the businesses that actually produce real products, provide real services, and create real jobs. In other words, we need to break them up to create a new Wall Street which becomes part of the United States, part of our economy, not an isolated island whose only goal in life is to issue worthless financial instruments in order to make outrageous short-term profits. That is a huge issue that we have to deal with.

If my Republican colleagues are, in fact, sincere, if they want to do more than follow pollster Frank Luntz's playbook and throw out certain words they think will work for them politically, I look forward to their support for real financial reform.

The Bottom line is, we cannot continue to do what we have done for a number of years. We have to summon the courage, and it will take courage because Wall Street is enormously powerful. In order to get the deregulation that led us to the financial disaster we experienced a year and a half ago, over a 10-year period, Wall Street spent the unbelievable sum of money of $5 billion on campaign contributions and lobbying. Frankly, I don't even know how one can spend that kind of money. But nonetheless, it certainly worked. Against my vote, when I was in the House, they got the deregulation they wanted. Lo and behold, once they were deregulated, not to my surprise, they went out and did all kinds of strange things, reckless things, illegal things, which brought us to where we were a year and a half ago.

What we need is real financial reform. We need a cap on interest rates so Wall Street cannot continue to rip off ordinary Americans. We need transparency at the Fed. We need to know which financial institutions are receiving trillions of dollars of taxpayer money. We need to begin the process of breaking up these huge financial institutions, not only from a too-big-to-fail concern but also from a concentration of ownership issue because we are going to need a lot more competition in the financial industry than we have now.

We will find out soon enough whether our Republican friends are doing more than reading from a pollster's playbook or whether they are serious about taking on Wall Street. I have my doubts, but I hope I am wrong. I hope we will gain their support in bringing real reform to our financial institutions.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

CONTINUING EXTENSION ACT OF 2010—Continued

Mr. DURBIN. Madam President, for those who are following the Senate activities today, we are considering the extension of unemployment benefits. It is a debate which has gone on repeatedly. I see the chairman of the Senate Finance Committee has come to the Chamber and has been sitting patiently on the floor trying to work this through, and I think we may be close to a vote on this matter very shortly.

If I am not mistaken, if we are successful in passing this extension, it will extend unemployment benefits to the end of May. I hope we do not face this again between now and then because not only does it tie up the Senate for a lengthy period of time, but it creates real uncertainty across America.

Madam President, 212,000 people had their unemployment benefits cut off in the United States last week because we were gone and the benefits expired; so this week another 212,000 people. In my home State of Illinois, 16,000 people a week lose their unemployment benefits because of the decision by the Senate not to move forward and extend those unemployment checks.

An unemployment check in my home State is about $300 a week. Some have come to the floor and argued we should not give unemployment benefits because it makes people lazy. If they are getting $300 a week, they will not go looking for jobs. I wonder when it was, if ever, that a Senator tried to live on $300 a week. I think it would be very difficult, in most cases impossible, for those who are used to a lifestyle that is much more expensive.

So extending these benefits, in my estimation, is not only humane, it is good economic judgment. The money given to people out of work is money that is spent immediately for the necessities of life. It is not saved or invested. They go out and spend it on what they need, whether it is on utility bills or rent or food or clothing—whatever it might be. So it is money that is injected straight into the economy.

When Republicans come to the floor, they say: Wait a minute. At some point, with our national debt, we have to pay for this. I say to them: How would you pay for it? They say: We pay for it by cutting spending on projects that create jobs. Wait a minute. If you cut spending on projects that create jobs, there are more people unemployed. More people unemployed need more benefits. We cannot end the recession until we focus on getting people back to work.

One of the key areas Senator BAUCUS on the Senate Finance Committee has worked on is putting money into small businesses across America. Many of us believe small businesses are going to be the engine that brings us out of this recession. So when Senator BAUCUS and the Finance Committee create tax credits for businesses that hire the unemployed or reduce their payroll taxes for those who hire the unemployed or have new deductions for expensing and the purchase of capital equipment, we are doing everything we can to put money into those small businesses. The argument that we should stop spending on those things will mean the recession goes on longer.

I hope we can reach a point soon where we put the question of unemployment behind us. There should be a debate on the national debt, and there will be. I do not know if it is a great honor, but Senator REID, the majority leader, has appointed me to the Deficit Commission. I met today with Erskine Bowles, who was the head of the Small Business Administration under President Clinton, as well as Alan Simpson, a former U.S. Senator from Wyoming, who chair this commission.

We are going to start, in a couple weeks, our inquiry and debate on what to do about our national debt. It is one that is long overdue. But I think if we are honest about this, we realize it will take some thoughtful consideration and some time to come up with an approach that really deals with the debt in a humane and sensible way, but does not stop our recovery in this recession. So we are tasked with doing that.

Senator BAUCUS is a member of that commission as well. We will spend some time together talking about it, I am sure. We have to report by the end of the year. In the meantime, we will be watching the appropriations bills that come through here to cut the waste out of the spending if there is

some in some of these agencies. And I am sure we can find some.

In the meantime, let's not make the unemployed across America the victims of this debate. Let us give them some certainty that the basics, the necessities of life, which they need because they have lost a job through no fault of their own, are going to be provided for. We want to make certain if they lost their lifesavings and stand to lose their home, we give them at least a little bit of a helping hand while they look for work.

In my home State of Illinois, the unemployment figures came out today, and, sadly, they have not gone down. It tells me we were late to the recession and we will probably be slow to the recovery. I am sorry to report that, but I think it may be the case. But, in the meantime, we have to create the climate for small business expansion, and we have to create the safety net for those who are out of work across America. The passage of this bill will help us to do that.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. REID. 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. REID. Madam President, first, I wish to express my appreciation to everyone in the Senate. This has been a good debate. Sides have been chosen, and I think the arguments were good on both sides. We had amendments on this. There were efforts made to just move forward and have a cloture vote on it. I thought this was the best way to go.

So I appreciate everyone's cooperation. We didn't want to take these votes, but we took them, and I think it is better for the order.

Madam President, I ask unanimous consent that at 5 p.m. today, the Senate proceed to vote in relation to the McCain amendment No. 3724; that upon disposition of the McCain amendment, no further amendments be in order; that the Senate then proceed to vote on the motion to invoke cloture on the Baucus amendment No. 3721, as modified; that if cloture is invoked, then all postcloture time be yielded back; the Baucus amendment as modified and amended, if amended, be agreed to; the bill then be read a third time; and following the reading of the pay-go letter from the chairman of the Budget Committee, the cloture motion with respect to the bill be withdrawn, the Senate then proceed to vote on passage of the bill, as amended, and that 2 minutes prior to the first vote be equally divided and controlled between Senators BAUCUS and MCCAIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 3724, AS MODIFIED

Mr. MCCAIN. Madam President, it is tax day. Americans are overburdened and taxed by an antiquated, complex, and oversized Tax Code. This year they will spend $100 billion in compliance-related expenses. Instead of offering proposals to reform the system, some are suggesting a new value-added tax which would increase taxes on average Americans and even further complicate our Tax Code. I believe it is an opportunity, with a sense-of-the-Senate resolution, for Members of Congress to say where they stand. This is their opportunity.

I encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the amendment by the Senator from Arizona would state a sense of the Senate that we should not adopt a value-added tax. Personally, I agree with him. I do not favor a value-added tax. I, for one, would be happy to accept the amendment. I don't know if the Senator from Arizona wants a rollcall vote. I don't know if it is provided for. I hope we don't have to have one, but if he wants one, that is fine with me. The order states we will start voting at 5 o'clock, and when we do get to the vote on the McCain amendment, I intend to vote for it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BAUCUS. I yield back my time.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote ''yea.''

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

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—85

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

NAYS—13

Akaka	Dorgan	Voinovich
Bingaman	Kaufman	Webb
Brown (OH)	Levin	Whitehouse
Byrd	Reed	
Cardin	Udall (NM)	

NOT VOTING—2

Nelson (FL)	Warner

The amendment (No. 3724), as modified, was agreed to.

Mr. BAUCUS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Madam President, I ask consent that the next two votes be 10-minute votes.

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

CLOTURE MOTION

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

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, do hereby move to bring to a close debate on the Baucus substitute amendment No. 3721 to H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes:

John D. Rockefeller IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3721, as modified, offered by the Senator from Montana, Mr. BAUCUS, to H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote ''yea.''

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—60

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—38

Alexander	Corker	Inhofe
Barrasso	Cornyn	Isakson
Bennett	Crapo	Johanns
Bond	DeMint	Kyl
Brown (MA)	Ensign	LeMieux
Brownback	Enzi	Lugar
Bunning	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Gregg	Murkowski
Coburn	Hatch	Risch
Cochran	Hutchison	Roberts
Sessions	Shelby	Vitter
	Thune	Wicker

NOT VOTING—2

Nelson (FL) Warner

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the amendment, as modified, is agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The clerk will read the letter from the chairman of the Budget Committee.

The legislative clerk read the following letter:

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

BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR H.R. 4851

Senator Kent Conrad, Apr. 15, 2010

Mr. CONRAD: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 4851, as amended by S.A. 3721, as modified. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), and is being submitted for printing in the Congressional Record prior to passage of H.R. 4851, as amended, by the Senate.

Total Budgetary Effects of H.R. 4851:

2010–2015—net increase in deficit of $18.192 billion.

2010–2020—net increase in deficit of $18.229 billion.

Reduction of Total Budgetary Effects for Current Policy under Section 7:

2010–2015—$2.115 billion pursuant to section 7(c).

2010–2020—$2.115 billion pursuant to section 7(c).

Reduction of Total Budgetary Effects for Provisions Designated as an Emergency under Section 4(g):

2010–2015—$16.077 billion.

2010–2020—$16.114 billion.

Total Budgetary Effects of H.R. 4851 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of H.R. 4851 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

AMENDMENT NO. 3721, AS MODIFIED, TO H.R. 4851, THE CONTINUING EXTENSION ACT OF 2010, AS PROPOSED BY SENATOR BAUCUS (MAT10352)

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2015–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Total Changes	15,629	1,870	262	225	143	61	52	−10	−5	0	0	18,192	18,229
Less:													
Designated as Emergency Requirements [a]	13,514	1,870	262	225	143	61	52	−10	−5	0	0	16,077	16,114
Current-Policy Adjustment [b]	2,115	0	0	0	0	0	0	0	0	0	0	2,115	2,115
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum: Components of the Emergency Designations:													
Change in Outlays	12,222	1,069	26	5	0	0	0	0	0	0	0	13,324	13,324
Changes in Revenues	−1,292	−801	−236	−220	−143	−61	−52	10	5	0	0	−2,753	−2,790

Notes: Components may not sum to totals because of rounding.
[a] Section 11(c) of the Continuing Extension Act of 2010 would designate all sections of the Act, except section 4, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go-Act of 2010.
[b] Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.
Sources: Congressional Budget Office and Joint Committee on Taxation.

Mr. BAUCUS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Under the previous order, the cloture motion on the bill is withdrawn.

The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. NELSON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote ''aye.''

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

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—59

Akaka	Boxer	Cardin
Baucus	Brown (OH)	Carper
Begich	Burris	Casey
Bennet	Byrd	Collins
Bingaman	Cantwell	Conrad
Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Sanders
Durbin	Leahy	Schumer
Feingold	Levin	Shaheen
Feinstein	Lieberman	Snowe
Franken	Lincoln	Specter
Gillibrand	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson	Murray	Voinovich
Kaufman	Nelson (NE)	Webb
Kerry	Pryor	Whitehouse
Klobuchar	Reed	Wyden
Kohl	Reid	

NAYS—38

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	

NOT VOTING—3

Bayh Nelson (FL) Warner

The bill (H.R. 4851), as amended, was passed, as follows:

H.R. 4851

Resolved, That the bill from the House of Representatives (H.R. 4851) entitled ''An Act to provide a temporary extension of certain programs, and for other purposes.'', do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Continuing Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''June 2, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''JUNE 2, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''April 5, 2010'' and inserting ''June 2, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''JUNE 2, 2010''; and

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''December 7, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''June 2, 2010''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111–144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''May 31, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by adding at the end the following:

''(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended—

(1) in subparagraph (A), by striking ''March 31, 2010'' and inserting ''May 31, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''June 1, 2010''.

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''May 31, 2010''.

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 8 of Public Law 111–144, is amended by striking ''by substituting'' and all that follows through the period at the end and inserting ''by substituting May 31, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''April 30, 2010'' and inserting ''May 31, 2010''; and

(B) in subsection (e), by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''April 30, 2010'', and inserting ''May 31, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''April 30, 2010'' and inserting ''May 31, 2010''; and

(2) in paragraph (3)(C), by striking ''May 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''June 1, 2010''.

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $80,000,000, for an additional amount for ''Small Business Administration—Business Loans Program Account'', to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

SEC. 11. SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery and the Senate opposes a Value Added Tax.

SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

Mr. LEVIN. Mr. President, it is unfortunate that this vote comes today and not 2 weeks ago. While we delayed taking action, thousands of people in my state, and millions across the country, worried that these benefits, benefits that provide a thin buffer between their families and disaster, would disappear. These families are suffering through the anxiety and frustration of job loss not because of anything they did, but because of a crisis spawned in Wall Street banks and unscrupulous mortgage companies.

This bill takes a number of important steps to alleviate the effects of the financial crisis. It would extend the unemployment and COBRA health insurance benefits on which so many families depend until early June. While we have seen recent signs of improvement in employment, the unemployment rate in Michigan, and the Nation, remains unacceptably high, making these extensions all the more necessary. According to the governor's office, more than 125,000 Michiganians will exhaust their unemployment benefits.

We should keep in mind, too, that extending these benefits not only helps families struggling to put food on the table and a roof overhead; it helps all

of us, by contributing to our economic recovery. There is widespread agreement that benefits such as unemployment payments give us the biggest ''bang for the buck'' in terms of economic stimulus. By extending these benefits, we will give continued support to an economy struggling to recover, an effort that benefits all Americans.

I encourage my colleagues to place the interests of struggling American families, and the economic recovery, clearly before us, and to pass this much-needed extension.

EXECUTIVE SESSION

NOMINATION OF LAEL BRAINARD, TO BE AN UNDER SECRETARY OF THE TREASURY

NOMINATION OF MARISA J. DEMEO, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

NOMINATION OF CHRISTOPHER H. SCHROEDER, TO BE AN ASSISTANT ATTORNEY GENERAL

NOMINATION OF THOMAS I. VANASKIE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

NOMINATION OF DENNY CHIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

Mr. REID. Mr. President, I now ask unanimous consent the Senate proceed to executive session and that it be in order to file cloture on the following nominations in the order listed: Calendar Nos. 644, 165, 699, 578, and 607.

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

Mr. REID. I ask unanimous consent that the cloture vote on Calendar No. 644 occur at 5:30 p.m., on Monday, April 19.

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

CLOTURE MOTIONS

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the clerk will report the motions.

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 Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard Durbin, Daniel K. Inouye, Tom Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Christopher J. Dodd, Byron L. Dorgan, Al Franken, Claire McCaskill, Benjamin L. Cardin.

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 Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard J. Durbin, Daniel K. Inouye, Patty Murray, Tom Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Christopher J. Dodd, Byron L. Dorgan, Al Franken, Claire McCaskill, Benjamin L. Cardin.

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 Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

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 Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Harry Reid, Patrick J. Leahy, Jack Reed, Russell D. Feingold, Kirsten E. Gillibrand, Daniel K. Inouye, Arlen Specter, Benjamin L. Cardin, Bernard Sanders, Robert P. Casey, Jr., Richard J. Durbin, Al Franken, Roland W. Burris, Sheldon Whitehouse, Christopher J. Dodd, Dianne Feinstein, Daniel K. Akaka.

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 Denny Chin, of New York, to be United States Circuit Judge for the Second Circuit.

Harry Reid, Patrick J. Leahy, Jack Reed, Russell D. Feingold, Kirsten E. Gillibrand, Daniel K. Inouye, Benjamin L. Cardin, Bernard Sanders, Robert P. Casey, Jr., Roland W. Burris, Richard J. Durbin, Al Franken, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Dianne Feinstein, Daniel K. Akaka.

LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. REID. 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. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MIDDLE-CLASS TAX RELIEF

Mr. BROWN of Ohio. Mr. President, the middle class is the backbone of our Nation. Middle-class families sustain our neighborhoods and our economy and support our public services such as our schools and police and fire departments and libraries.

Over the last 2 weeks—last week and the week before—I traveled extensively across Ohio and met with Ohioans who define the character of the American middle class.

College students at the University of Toledo described their hopes and aspirations to become our next educators and entrepreneurs, community and business leaders, and civic activists.

Workers at the 60-year-old General Motors plant in Defiance, near the Indiana border, described how they are ready to build the next generation car engines and rebuild the middle-class communities in which they work and live.

In Cincinnati, workers at GE's historic Evendale plant—a Cincinnati suburb—represent the classic American success story: people working hard, getting ahead, getting paid an honest day's wage for an honest day's work.

I met with veterans. Chairman AKAKA allowed me to set up, in Cambridge, OH—in eastern rural Appalachian Ohio—a Veterans' Committee hearing. I met with other veterans in the Chillicothe VA Center and the Cincinnati VA Center—two terrific VA facilities—to meet with and talk to and understand better the services for veterans who return from war and who represent those values of hard work and fair play.

Too many middle-class families in the Presiding Officer's State—whether it is Joliet, IL—or Mansfield, OH, too many middle-class families are still fighting to have something to show for it. They are fighting for a secure job with decent wages, a home with an affordable mortgage, and the belief that their children will have a future full of opportunity and stay close by and raise their children so they can know their grandparents.

Tax day is today, April 15, and many middle-class Americans are just trying to get by while our economy begins to recover. That is why when President Obama and this Congress—the Senate and the House—enacted the American

Recovery and Reinvestment Act last year, we made sure that one-third of those several hundred billion dollars—one-third of those dollars went to tax relief for 95 percent of working families in America.

We hear my colleagues on the other side of the aisle talk about tax cuts as if they invented them, but we don't hear them tell the truth about tax cuts because their idea of tax cuts is overwhelming tax benefits to the wealthiest people in our society—not doing what President Obama and the House and Senate did last year and this year: providing those tax breaks and tax cuts and tax relief directly to the large middle-class and working class in this country. Middle-class taxpayers, as a result, can collect on more than a dozen Recovery Act tax benefits this season. While the Recovery Act is putting Americans back to work rebuilding America, it is also honoring the dignity of work through the Making Work Pay tax credit. On average, Ohioans received $496 through the Making Work Pay tax credit, $496 in people's pockets. Middle-class tax relief helps make college more affordable through the American Opportunity Credit, tax savings for up to $2,500 to pay college expenses. More homes can be energy efficient and less costly through energy efficiency and renewable energy incentives. Energy-efficient windows and doors and heating and cooling systems reduce utility bills, while increasing the value of the most important asset for many Americans—their home. The first-time home buyer tax credit has made the dream of home ownership a reality, helped create jobs, stabilized home prices, and rebuilt communities across the Nation.

These are tax breaks that have been enacted that Americans are already taking advantage of and, in many cases, celebrating on this day that people aren't particularly glad to see: April 15. It means this April 15 is a whole lot better for American taxpayers than 2 years ago, when April 15 was for people who didn't have the tax relief the Obama administration has brought them.

The Cash for Clunkers Program provided American consumers and Ohio consumers with vouchers to purchase new fuel-efficient vehicles. It was a resounding success. More Americans bought more American cars. That program stabilized the auto sector. It saved and created thousands of jobs across Ohio and the Nation. I saw these jobs being created in Defiance, OH, as I mentioned, where some 80 workers will be called back to help build the engine for the new Chevy Cruze made in Youngstown. I know those workers at GM in Parma, a Cleveland suburb, will be helping with some of the stamping and the fabrication of the Chevy Cruze, and I know that 1,100 workers are in the process of being put back to work, to work a third shift at the Lordstown GM plant to build the most energy-efficient car in the GM fleet.

Existing tax credits, such as the earned income tax credit which rewards work for people making $20,000 to $40,000 a year—this is not welfare; it rewards people who are working hard, playing by the rules, not making a lot of money—or the child tax credit, these existing tax credits were expanded to ensure more eligible Americans received the tax credits they earned. Nationwide, the average tax refund is up 10 percent—$266 for a record average. The average tax refund is $3,036 so far. Those numbers will slightly change as people file today, before midnight.

The IRS says this increase is largely due to the Recovery Act. Ninety-nine percent of working families and individuals in Ohio benefited from at least one of the tax cuts signed into law by President Obama. Working Ohioans received $1,046 on average as a result of these critical middle-class tax relief programs. That means because of what this Congress did, the Senate and the House, what President Obama did, middle-class Ohio families save over $1,000. That is $1,000 in their pockets that wouldn't have been there 2 years ago, before President Obama took office, would not have been available under the Bush tax policies because those tax policies benefited the richest people but didn't benefit the middle class.

So under the Bush tax policies, wealthier people were particularly happy, but the middle class was left out. Under Obama tax policies, wealthier people might not be quite so happy, but the broad middle class will have more than $1,000 extra in their pockets as a result of this middle-class tax relief. It is a critical part of the economic recovery.

That is why the President and the Congress passed just last month the largest health-related, middle-class tax cut in the last two decades when it passed the historic health care reform, insurance reform legislation. We know there is much work ahead. I would add the first thing that came out of that legislation on health care was already in place and is now already in place; that is, significant tax incentives for small businesses, for employers to provide health insurance for their employees. When they couldn't afford it in the past, with these tax incentives, many employers will be able to afford providing health insurance for their employees.

We know there is much work ahead to ensure the interests of the middle class are protected in our Tax Code over the corporate special interests. I know many Republicans, including those running for office in my State—for Governor and Senate and attorney general—many Republicans want to repeal the health care bill. But understand when they repeal the health care bill, they are doing what they have done in the past. They are taking from the middle class and giving to the wealthy. That is the class warfare I have heard on this floor for the last 3 years. It is the class warfare I heard in the House of Representatives when Republicans continued to do more and more for the richest people in this country and less and less for the middle class and less and less for low-income people. That is the kind of class warfare they have waged for years. I hope they aren't successful in doing that on the health care bill. I don't think they will be, but it is important to guard against that.

Senate Democrats are not just looking back with what we were able to do, we are looking forward to what we are going to do to make taxes work better for America. Senate Democrats are working on further tax relief to help middle-class families whose daycare costs for a young child or an elderly parent undercut their pay and their savings. We will continue to fight for middle-class tax relief that will rebuild our economy in Dayton and Springfield and Zanesville and Mansfield and Ravenna and Girard and Lima and restore prosperity for all Ohioans. We will continue to fight for college students in Toledo, the GM workers in Defiance, the GM workers in Evendale, and veterans and all middle-class families across the Ohio and the country. America's middle class, as a result, will pay less and save more because this President and this Congress are actually doing something about it.

I yield the floor.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the fifth budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of Congressional action through April 9, 2010, and includes the effects of legislation since I filed my last report for fiscal year 2010 on January 28, 2010. The new legislation includes: P.L. 111–127, the Emergency Aid to American Survivors of the Haiti Earthquake Act; P.L. 111–142, the Social Security Disability Applicants' Access to Professional Representation Act of 2010; P.L. 111–145, the United States Capitol Police Administrative Technical Corrections Act of 2009; P.L. 111–147, the Hiring Incentives to Restore Employment Act; P.L. 111–148, the Patient Protection and Affordable Care Act; P.L. 111–151, the Satellite Television Extension Act of 2010; and P.L. 111–152, the Health Care and Education Reconciliation Act of 2010.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is above the levels provided in the budget resolution by $3.1 billion for budget authority and $5.8 billion above for outlays. For revenues, current level shows

that $14.2 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, Apr. 15, 2010.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through April 9, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated January 28, 2010, the Congress has cleared and President has signed the following acts which affect budget authority, outlays, or revenues for fiscal year 2010:

Emergency Aid to American Survivors of the Haiti Earthquake Act (Public Law 111–127);

Social Security Disability Applicants' Access to Professional Representation Act of 2010 (Public Law 111–142);

United State Capitol Police Administrative Technical Corrections Act of 2009 (Public Law 111–145);

Hiring Incentives to Restore Employment Act (Public Law 111–147);

Patient Protection and Affordable Care Act (Public Law 111–148);

Satellite Television Extension Act of 2010 (Public Law 111–151); and

Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF APRIL 9, 2010

(In billions of dollars)

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,897.5	2,900.5	3.1
Outlays	3,010.1	3,015.9	5.8
Revenues	1,612.3	1,626.5	14.2
OFF-BUDGET			
Social Security Outlays [3]	544.1	544.1	0.0
Social Security Revenues	668.2	668.1	−0.1

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $10.4 billion in budget authority and $5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF APRIL 9, 2010

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]:			
Revenues	n.a.	n.a.	1,633,385
Permanents and other spending legislation	1,656,952	1,651,725	n.a.
Appropriation legislation [2]	1,917,749	2,048,775	n.a.
Offsetting receipts	−690,252	−690,252	n.a.
Total, previously enacted	2,884,449	3,010,248	1,633,385
Enacted this session:			
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111–126)	0	0	−40
Emergency Aid to American Survivors of the Haiti Earthquake Act (P.L. 111–127)	50	50	0
Social Security Disability Applicants' Access to Professional Representation Act of 2010 (P.L.111–142)	−4	−4	0
United States Capitol Police Administrative Technical Corrections Act of 2009 (P.L. 111–145)	10	6	0
Hiring Incentives to Restore Employment Act (P.L. 111–147)	20,903	141	−4,380
Patient Protection and Affordable Care Act (P.L. 111–148)	8,500	3,130	−580
Satellite Television Extension Act of 2010 (P.L. 111–151)	2	0	2
Health Care and Education Reconciliation Act of 2010 (P.L. 111–152)	1,130	220	−1,930
Total, enacted this session	30,591	3,543	−6,928
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−14,500	2,066	0
Total Current Level [2 3]	2,900,540	3,015,857	1,626,457
Total Budget Resolution [4]	2,907,837	3,015,541	1,612,278
Adjustment to the budget resolution for disaster allowance [5]	−10,350	−5,448	n.a.
Adjusted Budget Resolution	2,897,487	3,010,093	1,612,278
Current Level Over Budget Resolution	3,053	5,764	14,179
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] Includes legislation affecting budget authority, outlays and revenues that was enacted in the first session of the 111th Congress.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Previously Enacted (see footnote 1)	12,042	21,040	−4,475
Temporary Extension Act of 2010 (P.L. 111–144)	7,942	7,901	−704
Total, amounts designated as emergency	19,984	28,941	−5,179

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	−1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0

For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−11	−11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(b))	5,708	5,708	−38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a))	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4))	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	−5,220	−6,670	−9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	−7,280	−4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	8,500	3,130	−580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a))	1,130	220	−1,930
Revised Budget Resolution Totals	2,907,837	3,015,541	1,612,278

[5] S. Con. Res. 13 includes $10,350 million in budget authority and $5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Note: n.a. = not applicable; P.L. = Public Law.

Source: Clongressional Budget Office.

HONORING OUR ARMED FORCES

LANCE CORPORAL JACOB A. ROSS, USMC

Mr. BARRASSO. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to a special young man and his family. I was deeply saddened to receive word during the past recess that that on March 24, 2010, LCpl Jacob A. Ross of Gillette, WY, was killed in the line of duty while serving our country in support of Operation Enduring Freedom. Lance Corporal Ross was killed in combat in Helmand Province in southern Afghanistan.

Lance Corporal Ross was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, NC. Lance Corporal Ross graduated from Campbell County High School in 2008. He is remembered by his friends as hard-working, intelligent and kind-hearted. He was athletic and was on the swimming and soccer teams in high school. Jacob had a passion for the outdoors and loved to hunt, fish and camp under the Wyoming skies. He always wanted to be a marine. After graduation, he followed in his father's footsteps and joined the U.S. Marine Corps.

It is because of Jacob Ross that all Americans are able to live our daily lives as free people. Freedom is not free. It carries a very high price. And that price has been paid over and over by America's men and women who answer the call to service and willingly bear the burdens of defending our Nation. They deserve our deepest respect and gratitude. They put their very lives on the line every day, and because of them and their families, our nation remains free and strong in the face of danger.

The motto of the U.S. Marine Corps is ''Semper Fidelis.'' It means ''Always Faithful.'' LCpl Jacob Ross lived up to these words with great honor. He gave his life, that last full measure of devotion, for you, me, and every single American. He gave his life serving and defending his country and its people, and we honor him for this selfless sacrifice. He was always faithful to our country and its citizens, and to his fellow marines.

Lance Corporal Ross is survived by his wife Brittney, and his parents Karen and Dennis, his sister Katie and his brother, Nathan. He is also survived by his brothers and sisters in arms of the U.S. Marine Corps. We say goodbye to a son, a husband, a brother, a friend, and a marine. The United States of America pays its deepest respect to LCpl Jacob A. Ross for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation, is proud of him. May God bless him and his family. Lance Corporal Ross, Semper Fi.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HOLOCAUST REMEMBRANCE DAY 2010

• Mr. NELSON of Florida. Mr. President, I rise today to commemorate Holocaust Remembrance Day.

This week, in America and throughout the world, Jews observed Holocaust Remembrance Day in synagogues, reciting prayers. Families gathered in their homes to light candles and remember those loved ones who perished. Young people listened to the stirring testimonials of grandparents and survivors of one of the worst atrocities committed by humankind. These rituals are recited each year in an effort to remember. But, also to ensure that we as a human race never forget.

Florida has the largest number of Holocaust survivors in the entire country. Each time I visit the Miami Jewish Health Systems and other centers in our state, I am reminded of our solemn obligation to care for those survivors, whose numbers dwindle with each passing year.

This week, we pause to remember those who lost their lives simply because of their faith and their heritage. We also remember others who suffered persecution and were murdered by the Nazis: Gypsies and Poles, the handicapped, gays and lesbians, political dissidents, prisoners of war, and the brave civilians who risked their own lives to save their neighbors.

Last June, a lone gunman attacked the Holocaust Memorial Museum here in Washington. This morally depraved man shot and killed a guard and terrorized countless visitors before he was brought down. The shots were fired on the day the museum was scheduled to show a play based on the life of Anne Frank, a girl whose story serves as a disturbing reminder of the Nazis' campaign of terror and also the heroism demonstrated by a few decent people to protect those whose lives were in jeopardy.

January 11, 2010, Miep Gies, the last of those who protected Anne Frank passed away. She was a woman who did not want to be called a hero, but it is her heroism that we must honor, remember, and pass down to future generations.

A survivor recently informed me that on Holocaust Remembrance Day she wanted people to remember the kindness that she received during the Holocaust. She said that kindness helped her survive. Mr. President, it is amazing that survivors, when asked about a period of unimaginable horror, can recall sentiments of thanks and an appreciation for life.

The good that individuals can do is not limited to the past. Americans today are continuing to help those survivors by documenting their experiences and educating our communities. This past January, I attended the 30th anniversary celebration of the Holocaust Documentation & Education Center. The center is in the process of creating the first South Florida Holocaust Museum. There is still great work to be done and I am proud of the Americans who are committed to this important effort.

Congress also has a responsibility to ensure that the memories of those dark days are recalled to ensure that nothing like it happens on this Earth again.

In respect for the victims of the Holocaust and surviving relatives, I introduced a resolution on restitution or compensation for property and other assets seized by the Nazi and Communist regimes in postwar Europe, in anticipation of the International Conference on Holocaust Assets that was held in Prague in June 2009. At this conference, the United States signed the Terezin Declaration, which among many declarations reminds us about the need to take care of Holocaust survivors' social welfare as they increase in age.

I also introduced the World War II War Crimes Accountability Act to encourage foreign governments to prosecute and extradite wanted criminals, and to bring them to justice.

We are in a race against time. Each year, more Holocaust survivors are laid to rest. Let us work together quickly to let them see a measure of justice done in their lifetime.

Finally, our government has made solemn commitments in the past that the horror of the Holocaust will never be repeated. And yet we are all well aware of the grim stories of ethnic cleansing in the former Yugoslavia in the 1990s, the mass murder of Tutsis in Rwanda in 1994, and the genocide in

Darfur. America must be a moral leader among nations in working to halt and prevent genocide.

I urge President Obama, Secretary of State Clinton and U.N. Ambassador Rice to continue the battle against ignorance, intolerance, and instability that contributes to genocide and to confront those governments that engage in genocide. America must make every effort to ensure that those who commit these horrific crimes face justice.●

GUATEMALA'S NEXT ATTORNEY GENERAL

Mr. LEAHY. Mr. President, I want to speak briefly about a matter of urgent importance for the people of Guatemala and for U.S. relations with Guatemala.

Later this month, President Colom will select Guatemala's next Attorney General from a slate of six candidates. This may be among the most important decisions he makes this year, at a time when drug trafficking and other organized crimes, assassinations of human rights defenders, and other social and political activists, corruption, and impunity threaten the foundation of Guatemala's fragile democracy.

In the 3 three months of this year alone, at least five Guatemalan human rights defenders, social activists, and trade unionists have been murdered, including two members of the Resistance Front for the Defense of Natural Resources—its president, Evelinda Ramírez Reyes, and Octavio Roblero. Also killed were Juan Antonio Chea, a Mayan indigenous lawyer who worked with the Human Rights Office of the Archbishop and the National Reparations Program; Pedro Antonio Garcia of the Malacatan Municipal Workers Union; and Germán Antonio Curup, a member of a group opposed to the construction of a cement plant in San Juan Sacatepéquez. Mr. Curup was murdered in particularly brutal fashion—abducted on February 11, his body was dumped 2 days later, throat cut and showing signs of torture. This type of brutality is not unusual in Guatemala, nor is it unusual that no one has been arrested or punished for those crimes.

The 1996 Peace Accords were a historic milestone, ending three decades of civil war when government security forces and associated death squads and civil patrols targeted anyone who was considered subversive. Tens of thousands of rural Mayan villagers, students, lawyers, journalists, and other social and political activists were arbitrarily arrested, tortured, and killed. The URNG rebels were also guilty of atrocities. Almost no one has been punished for those crimes.

While the Peace Accords spelled out commitments by the government and goals for the country's future political, economic, and social development, progress has been disappointing. Implementation of many elements of the accords has been repeatedly delayed, and widespread debilitating poverty, impunity, and women's and indigenous peoples' rights remain urgent concerns. These are among the key issues the Peace Accords were designed to address, which were at the root of the conflict.

In the meantime, in the absence of a credible or effective justice system, corruption has flourished and violent crime has skyrocketed. There has also been a steady emigration of poor Guatemalans seeking jobs in the United States.

Effectively confronting these problems requires political will, which has too often been lacking in Guatemala. Secretary Clinton expressed the willingness of the United States to stand with the Guatemalan people during her visit there on March 5, and I hope the Guatemalan Government will seize this opportunity to develop ambitious and effective strategies to confront these challenges.

There is no better place to start than by appointing an Attorney General who has the integrity, experience, courage, and determination to show that justice can be a reality for all the people of Guatemala regardless of race, ethnicity, gender, or economic status.

Investigating and prosecuting assassinations of human rights defenders, as well as some of the most notorious political crimes, should be a priority. The United States is helping through our donations to the International Commission against Impunity in Guatemala, CICIG. The CICIG is doing an important job and should continue, but it is no substitute for an effective Ministry of Justice. We are ready and willing to support an Attorney General who demonstrates the necessary professional qualifications and commitment. But absent those qualifications and commitment, as chairman of the State and Foreign Operations Subcommittee, I would find it difficult to justify spending more resources on a fruitless quest for justice reform in Guatemala.

A related imperative is reforming Guatemala's police forces, which are undertrained, underpaid, underequipped, and infected with corruption. President Colom deserves great credit for appointing Helen Mack, a widely respected human rights defender, to develop a plan for police reform, and I look forward to her recommendations. An Attorney General whose integrity matches that of Helen Mack's would be a welcome step.

Guatemala has a troubled history and is facing immense challenges, both internally and along its borders, as it is rapidly becoming a favorite haven for Latin criminal organizations. Yet as the land of one of the most accomplished pre-Colombian civilizations in this hemisphere whose indigenous descendants enrich present-day Guatemala in countless ways, spectacular tropical forests and towering volcanoes, it is also a country with great potential. The United States is prepared to help tackle these challenges if Guatemalan Government officials in key positions merit our support. I urge President Colom to use the opportunity of selecting Guatemala's next Attorney General to send that message clearly.

TOURETTE SYNDROME

Mr. INOUYE. Mr. President, I rise today to raise awareness of a complex neurological disorder affecting an estimated 200,000 Americans. Tourette Syndrome, TS, emerges in children, as young as 5 years old. Symptoms include ''tics,'' repeated involuntary noises or movement. Some adults with TS have learned to control their tics, or redirect them in other ways.

I have not been knowledgeable on this subject. However, I recently had the pleasure of meeting a group of four—two mothers and two sons—all dealing in some way with TS. Zach Pezzillo, a high school junior from Haiku, Maui, in my State of Hawaii, was diagnosed with TS at age 7. After 2 years of misdiagnosis, Zach and his mother, Susannah Christy, were almost relieved to learn why Zach constantly sniffed. Zach was fortunate in that his tics were mild. He has become a well spoken young man, a gifted photographer, and a wonderful youth ambassador for the National Tourette Syndrome Association. I am sure much of his success is due in large part to his mother Susannah, whose support of her son's drive and openness with his affliction is noteworthy.

I also had the pleasure of meeting Chris Schuette, a young man who, in his adulthood, has learned to control his tics so well that he was able to serve with AmeriCorps in 2007. His mother, Cynthia Schuette, heads the Northern California and Hawaii Chapter of the National Tourette Syndrome Association, and has been involved in educating the public about TS since her son, now 26, was diagnosed with the disorder nearly 20 years ago.

Not all Americans with TS are as lucky as Zach and Chris. This is a disorder so largely misunderstood that Zach, after telling a neurologist about his TS, was challenged by this learned professional, who told him he must not have TS because she couldn't see any physical manifestations of his disorder. Such misinformation leads to misdiagnosis for children with TS. While the Centers for Disease Control, through necessary grant programs, continues its essential research into the causes of TS, we must do our part in educating ourselves and others about this disorder.

CONGRATULATING BUTLER UNIVERSITY

Mr. BAYH. Mr. President, today I honor Butler University's 2010 Men's Basketball team for its historic season which culminated in last week's NCAA championship game in Indianapolis.

Although the Bulldogs narrowly lost to the Duke University Blue Devils, 2010 was a season for the record books.

This was Butler's first-trip to the NCAA ''Final Four'' and the best performance by a school of Butler's size in 40 years. Butler entered the championship game with a 25-game winning streak, the longest in the Nation.

The championship was especially meaningful as the team played in Indianapolis, nearby the university's home court, the storied Hinkle Fieldhouse.

I particularly want to recognize the work of Butler's coach, Brad Stevens. Under the leadership of this native Hoosier, the Bulldogs have become a national power. In his first three seasons, Coach Stevens has won 89 games—a Butler record.

Much of that success can be attributed to the Bulldogs' guiding philosophy, the ''Butler Way'' which emphasizes the importance of working as a team, both on and off the court.

Dr. Bobby Fong, the university's president, and the faculty and administration of Butler all deserve credit for maintaining the right balance between athletics and academics. Butler has one of the highest graduation rates of all the schools in this year's NCAA Tournament, and 2 of this year's 15 Academic All-Americans were players for the Bulldogs.

Butler's commitment to both academic and athletic excellence embodies the best of college athletics. I am proud to recognize their winning combination of talent and determination.

The Butler University Bulldogs have proved once again that an underdog team from the Hoosier State can capture America's heart.

TRIBUTE TO VIRGINIA BEECHER

Mr. GREGG. Mr. President, I wish to thank and congratulate Virginia Beecher for her years of service to the people and State of New Hampshire. Kathy and I have known Gini for so long, it is best not to mention the specific number of years. She is a friend, confidant, and someone we greatly admire for her extraordinary commitment to public service.

Gini completes her work for New Hampshire as the director of Motor Vehicles, a position she has held for 15 years. Her leadership of this critical agency, which affects so many New Hampshire citizens, has taken it from the dark ages to a highly computerized, customer-friendly department. She has focused on providing the citizens of New Hampshire with their licenses and car registrations in an efficient and pleasant way. Her commitment has always been to bring the highest standards and a professional approach to the department.

This is only one stop in her exceptional career of service to New Hampshire. Kathy and I had to convince her to leave her beloved Department of Safety for a brief tenure in the Governor's office when I began my term as Governor. It was her unique knowledge of how the State government works that helped us get up and running effectively and quickly. After she straightened out the Governor's office, she returned to continue to be the force that made the Department of Safety one of the most professional and well run agencies in the State.

You cannot talk about Gini's influence without mentioning her total commitment to the North Country. It has always been a part of her being. Gini has a commonsense, no nonsense approach that characterizes that part of our great State.

New Hampshire government will obviously miss Gini's talent and enthusiasm. Kathy and I wish her the best as she moves on to other challenges. We are honored that our paths have been so intertwined over these many years and that she is our friend.

Thank you, Virginia Beecher, for your many years of service to the State of New Hampshire.

ADDITIONAL STATEMENTS

SMALL BUSINESS COMMUNITY GROWTH

• Mr. BOND. Mr. President, one of the many blessings of being a U.S. Senator is the opportunity to be exposed to so many people who strive, work together, and improve their communities and our Nation every day.

Despite hardship, America is a place where Americans face challenges as opportunities determined to see that tomorrow is always better than today. One powerful example is the partnership that exists in St. Joseph, MO, between community leaders and the Missouri Western State University. How pleasing it is to have members of the forward-leaning St. Joseph Area Chamber of Commerce led by Ted Allison come to Washington and, as usual, front and center among the distinguished group is the president of the University, Dr. Robert Vartabedian.

How powerful it is to have Mr. Allison testify before the House Committee on Small Business, represented by his Congressman and committee ranking member, SAM GRAVES, and speak passionately about the job-producing power of the small business community such as exists in St. Joseph, and the importance of education to support small business productivity and growth.

Dr. Vartabedian, and his predecessor, Dr. James Scanlon, share the view that the University does not exist in isolation but that the University should understand and serve the community just as the community, in this case, the Chamber of Commerce, and others, serve the University.

Dr. Scanlon, who retired after 7 years in June of 2008, was a tireless head of the school and advocate for the community. Integrity and intellect served Dr. Scanlon's action-oriented approach which insisted upon customer-based performance. He never rested and he did not allow members of the St. Joseph community to rest either. After all, the community included future employers and neighbors of his kids and Dr. Scanlon was interested in them having productive and happy lives far beyond graduation.

Originally a New Yorker, of all things, one would think Dr. Scanlon always lived in St. Joseph and intended never to leave, but his remarkable footprint continued under the current leadership and has provided a foundation for continued vision and performance. ''Oh happy day!'' became his trademark exclamation, and while I hope it was for Dr. Scanlon, I am certain that because of him, it has been for thousands of students and their faculty and community members.

In a large part thanks to Dr. Scanlon, and now, Dr. Vartabedian's leadership, Western has thrived, becoming a source of pride for the community, region, and state.

Western's statewide mission is applied learning. Remarkably, about 90 percent of Western students completed at least one internship, practica, or faculty-student project by the time they graduate. In other words, Western students have classroom and real-world experience.

Since 2001, the college has become a university, experienced its fifth straight year of record enrollments, doubled its laboratory space for sciences, undertaken to fill its capacity at the new Science & Technology Incubator, built up modern math and science capacity, began a new M.S. program in Nursing, became the summer home of the Kansas City Chiefs, and has seen the establishment of the Steven L. Craig School of Business.

According to Missouri Western, the gift by Mr. Craig that made the new school possible ''means serious business for Western.''

The generosity by Mr. Craig will not only launch another valuable path for students to develop value, but represents a strong endorsement of the Western program, and the sense of community in St. Joseph where Craig was born.

Mr. Craig graduated from nearby Savannah High School before moving to California to graduate from the University of Southern California. He founded the Craig Realty Group, a Newport Beach, CA, company that owns and manages 13 upscale factory outlet centers in 6 states.

The gift of $5.5 million was one of the very largest in the Nation and the largest individual gift to the university's foundation. In addition to being the largest individual gift to the university, these funds will directly enhance St. Joseph, MO, the Midwest region, and will be used to develop tomorrow's business leaders who should follow not only Mr. Craig's business model, but his model of selfless philanthropy as well.

Missouri Western officials recognize that Mr. Craig's gift celebrates three of his qualities: entrepreneurial spirit, generosity, and faith.

This conspiracy of goodness by a true working community on behalf of a future community membership is a model to applaud and to emulate. Doctors Scanlon and Vartabedian, Mr. Allison, Mr. Craig and all those who have locked arms with you leaders to plow forward, thank you and well done and, more importantly, well doing.●

RECOGNIZING SAN BERNARDINO'S BICENTENNIAL

● Mrs. BOXER. Mr. President, I am honored today to join with the people of San Bernardino as they celebrate their bicentennial—the 200th anniversary of the founding of this great city.

From the day in 1810 when Franciscan missionary Father Dumetz named the area ''San Bernardino'' to the present, San Bernardino—nestled south of the San Bernardino Mountains and west of the lower desert—has been recognized for its scenic beauty and strategic location.

San Bernardino's colorful history begins in the early years of the 19th century when Spanish missionaries were the first settlers to the region. Mission San Bernardino was established in 1810 and the missionaries, along with the American Indians native to the area, diverted water to the valley from Mill Creek for irrigation purposes. As a result, the area flourished.

Gradually the mission period came to a close and soon came the rise of the Great Spanish Rancheros. The abandoned Mission San Bernardino did not stay vacant for long. San Bernardino Rancho was granted to the Lugo Brothers in 1842 and eventually became an important post on the trading route known as the Spanish Trail, where pioneer trailblazers such as Kit Carson and Jedediah Strong Smith often traveled.

In 1848, California joined the United States. By this time, many rancheros had left the area. In 1851, the Lugo brothers eventually sold San Bernardino Rancho to a party of 500 Mormon settlers who built a stockade around the ranch and named it ''Fort San Bernardino''. The community thrived and was officially incorporated in 1854 as a city with a population of 1,200. At that time, San Bernardino was strictly a temperance town, with no drinking or gambling allowed.

As the 19th century waned, the giant railway companies eventually found their way to San Bernardino, changing it from a sleepy town into an enterprising city. Santa Fe, Union Pacific, and Southern Pacific all made San Bernardino the hub of their southern California operations. When the Santa Fe Railway established a transcontinental link in 1886, the already prosperous valley exploded. Even more settlers flocked from the East, and the population doubled between 1900 and 1910.

San Bernardino has had a great history with military involvement. The San Bernardino Engineer Depot, commonly called Camp Ono, was located along what is now the I–215 freeway was used by the U.S. Army as a vehicle and ammunition supply and storage depot, drycleaning facility, sewage spreading area, tent manufacturing and dyeing facility, locomotive maintenance facility, railcar and tank degreasing facility, motor vehicle pool, prisoner of war camp, bomb manufacturing, and water softening facility.

The site was also a part of the Advance Communications Zone Depot in the southern California defense system. Camp Ono consisted of a total of 1,662.82 acres and was leased by the U.S. Army on 1 July 1940 and existed until December 1946. A prisoner of war camp occupied 300 acres of the site. Approximately 499 Italian prisoners of war were incarcerated, and they were used to maintain army vehicles, degrease tanks, and operated a tent repair and tent dyeing facility.

Norton Air Force Base was also located east of downtown San Bernardino. This frontline military installation was home to a logistics depot and heavy-lift transport facility for a wide variety of military aircraft, equipment, and supplies as part of the Material/Air Force Logistics Command and then as part of the Military Airlift Command. The secondary mission of the base was as a headquarters for Aerospace Defense Command for southern California, the Air Force Audio-Visual Center and numerous Air Force Reserve units and the Office of the Inspector General.

Norton was closed as a result of base realignment and closure, BRAC, action in 1994. The aviation facilities of the base were converted into San Bernardino International Airport and the remainder for other private development opportunities. Mattel Toys, Stater Bros Markets, Pep Boys, and Kohl's also are located within the industrial complex on the former base.

McDonald's was founded by brothers Richard and Maurice McDonald in San Bernardino in 1940. Their introduction of the Speedee Service System in 1948 established the principles of the modern fast-food restaurant.

San Bernardino is also the home of Al Houghton Stadium and the Western Regional Little League Inc. Each year San Bernardino hosts 11 Western States in the West and Northwest regional tournaments. The winner of each tournament goes on to the Little League World Series in Williamsport, PA.

San Bernardino has a plethora of educational opportunities. California State University, San Bernardino, was founded in 1965 and graduated its first class in 1969. From a very small beginning, this university has flourished with new facilities and Division II sports programs. There are also many other schools of higher learning in the city, including San Bernardino Valley College, the Art Institute of California-Inland Empire, Argosy University-Inland Empire, Everett College, and the American Sports University.

Today San Bernardino has emerged as a modern urban community with a bright future. The enduring spirit and vitality of yesterday's pioneers are still evident and reflected in the pride of community. The city of San Bernardino serves as the county seat and is the largest city in the county of San Bernardino, with a population more than 205,000.

Please join me in honoring the city of San Bernardino as it celebrates its bicentennial.●

TRIBUTE TO THOMAS EDWARD PINELLI

● Mrs. GILLIBRAND. Mr. President, I wish to pay tribute to the military service of Thomas Edward Pinelli, a veteran of World War II who is being honored in Washington, DC, this week.

Mr. Pinelli served as a forward observer and technical sergeant in the Third Infantry Division, which fought the Germans through the Vosges Mountains in France, through the Colmar Pocket, and finally until VE day in Germany. As part of this division, he helped liberate the Dachau concentration camp and free thousands of civilians who were under Hitler's rule. His division received a unit citation from President Franklin D. Roosevelt, and Sergeant Pinelli was awarded medals for sharp shooting and good conduct.

After World War II, Thomas returned to his hometown of Bronx, NY, where he began a career with the U.S. Postal Service. After 30 years, he retired in Westchester County, where he now resides.

As grateful as Thomas Pinelli is for the opportunity to serve his country, he is even more grateful for the opportunity to have lived a full life in service to his community as a committed citizen, husband, and father. Mr. Pinelli's two sons are also giving back to their communities as they emulate their father's commitment to service: his elder son Thomas Jr. is a health care provider, and his younger son John teaches high school in New York City.

On April 14 and 15, the U.S. Holocaust Memorial Museum honored Thomas Pinelli and many others for their role in liberating the Dachau Concentration Camp in April 1945. Thomas traveled to Washington for this ceremony, thrilled at the chance to visit the Nation's Capital, to see old friends, and to relive this momentous time in American history. I wish to congratulate him on this honor and thank him for his service to our Nation.●

TRIBUTE TO DALE E. KLEIN

● Mr. INHOFE. Mr. President, the Honorable Dale E. Klein completed his last day as a member of the U.S. Nuclear Regulatory Commission on March 30,

2010, and has returned to the faculty of the University of Texas, from which he had been on an extended leave of absence as the result of his appointment by former President George W. Bush to the Department of Defense and subsequently to the Nuclear Regulatory Commission. Dr. Klein began his tenure at the NRC on July 1, 2006, having been appointed by the President as the agency's Chairman. He continued to serve in that role until May 13, 2009, when President Obama designated Gregory B. Jaczko as the NRC Chairman. Although Dr. Klein would have preferred to return to the University of Texas at that time, he elected to remain an NRC Commissioner from May 2009 to March 30, 2010, to ensure continuity of the Commission until the President could nominate, and the U.S. Senate could confirm, his successor and two additional new Commissioners to fill existing vacancies on the Commission.

Dr. Klein's tenure as the NRC Chairman coincided with the rapid acceleration in the nuclear industry's plans for the development of a new generation of U.S. nuclear power plants. By the time of his departure from the agency, the NRC had received 18 applications for 28 new nuclear power plants after nearly three decades in which no new nuclear plants had been constructed in the U.S. This dramatic resurgence of the nuclear power option created an urgent and very critical need for the NRC to hire an unprecedented number of new staff since many of the agency's most experienced technical staff were nearing retirement age and the agency had critical skill shortages in such areas as construction inspection. Dr. Klein provided oversight and direction to the recruiting effort, which at its peak would result in net annual increases of approximately 250 new staff. In the absence of this effort, the NRC would not have been able to complete its technical reviews of new applications on a time frame that would support the nuclear industry's plans or meet the Nation's growing need for new sources of clean, safe, and affordable energy.

At the same time, Dr. Klein recognized that the resurgence in interest in nuclear power was a global phenomenon that was occurring both in countries with established nuclear power programs and countries with no prior experience with nuclear power. He consistently emphasized the critical importance of establishing and maintaining a strong, independent national nuclear regulatory authority in all countries considering the nuclear power option in his numerous meetings with his international regulatory counterparts in foreign countries, in meetings of international organizations like the IAEA, and during his frequent trips to foreign countries. Noting that an accident anywhere is an accident everywhere, he also ensured that the NRC provided assistance in setting up national nuclear regulatory bodies when requested by the host country.

Dr. Klein understood that for the NRC to continue to be an outstanding regulatory agency that could serve as a model for foreign countries, it needed good people, a strong safety culture, and the right technology. He observed that when he arrived at the NRC in July 2006, the agency had an outstanding technical staff and a strong safety culture, but was far behind the times in its technology infrastructure. He spent considerable time and effort in upgrading NRC's technology infrastructure not only to ensure improved communication within the NRC and with its stakeholders, but also to enable the NRC to attract and retain the young people that would become the core agency staff in the future.

As the NRC accelerated its hiring of new staff after 2006, however, the existing NRC headquarters complex, the White Flint Complex in Rockville, MD, could no longer accommodate the headquarters staff, forcing the NRC to rent additional space in four other buildings in the Rockville area. This dispersal represented a return to conditions existing at the time of the Three Mile Island accident in 1979, when the NRC was widely dispersed in 11 buildings in the Washington Metropolitan area. A study published after the accident cited the multiple, scattered locations of the agency's headquarters staff as a factor hampering the NRC's response to the 1979 accident. Consequently, Dr. Klein made it one of his highest priority goals as Chairman to reconsolidate NRC headquarters in a single location in the vicinity of the White Flint complex. Most of the preparatory work and obtaining local government, GSA, and Congressional approval for the construction of a third building at the White Flint complex occurred under the guidance and direction of Dr. Klein during his tenure as Chairman.

Dr. Klein has made very significant contributions to maintaining the U.S. Nuclear Regulatory Commission as the world's first and most experienced nuclear regulatory body and has demonstrated over the last 7 years his commitment to public service and protection of the public health and safety. I am therefore pleased to ask my Senate colleagues to join me in recognizing this outstanding public servant and in wishing him and his family success in all his future endeavors.●

TRIBUTE TO AARON MARTIN

● Mrs. LINCOLN. Mr. President, today I honor Aaron Martin, a native of Stuttgart from my home State of Arkansas. His bravery and that of his fellow servicemen and women made national headlines recently as they captured a group of Somali pirates in the Indian Ocean.

A 1994 Stuttgart High School graduate, Martin was among the sailors who took on a small gang of Somali pirates in the early morning hours of April 1. The USS *Nicholas*, a guided missile warship, was tracking the pirates when they opened fire in Indian Ocean waters, according to reports. The USS *Nicholas*, which saw combat in the first Gulf War, returned fire and disabled the small ship.

Martin is the son of Bruce and Janette Martin of Stuttgart. He and his wife Natalie have an 8-year-old son and a 12-year-old daughter.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military servicemembers and their families.●

CONGRATULATING THE LITTLE ROCK AIR FORCE BASE

● Mrs. LINCOLN. Mr. President, today I congratulate Little Rock Air Force Base and its community council for winning the prestigious 2009 Abilene Trophy, which is presented annually to a civilian community for outstanding support to a nearby U.S. Air Force Air Mobility Command Base. The winner is determined by a selection committee of the Abilene Chamber of Commerce Military Affairs Committee in Texas, with final approval by the U.S. Air Force Air Mobility Command.

According to COL Greg Otey, Little Rock Air Force Base Installation Commander, ''the council's steadfast support of the base, its missions and its people haven't gone unnoticed. I've said many times that we are blessed to have such a supportive local community, and this award validates everything I've been saying since I arrived here last year.''

Little Rock Air Force Base is known as the ''Home of C–130 Combat Airlift'' in large part due to the outstanding relationship among its community partners. The relationship between the base and local community remains as strong today as when it began in the 1950s, and community support is integral to the base's ability to accomplish its mission.

For example, in 2009, ground was broken on a new Joint Education Center, a higher-learning institution open to both military members and civilians. The city of Jacksonville voted to support the center with another $5 million of its own. Airpower Arkansas, a subset of the Community Council, raised more than $50,000 from local business and individuals for the base's 2010 air show. Civic leaders sponsored base events such as the Air Force Ball, the Annual Awards Ceremony, and the Black Knight Heritage Dinner. These leaders also took time on Thanksgiving and Christmas to serve meals to Airmen at the base dining facility.

I commend the Little Rock Air Force Base and its community council for their efforts, hard work, and dedication. Along with all Arkansans, I am grateful for the service and sacrifice of all of our military servicemembers and their families.●

TRIBUTE TO THE GOLDEN LIONS

● Mrs. LINCOLN. Mr. President, today I pay tribute to the University of Arkansas at Pine Bluff's Golden Lions basketball team and head coach George Ivory for representing our great State so well during this year's NCAA basketball tournament. In particular, I recognize Coach Ivory, who was recently named the 2010 National Coach of the Year by the Heritage Sports Radio Network, which covers sporting events for our nation's Historically Black Colleges and Universities. Ivory received this honor based on voting from basketball fans across the Nation.

Under the leadership of Chancellor Lawrence A. Davis and Athletic Director Louis ''Skip'' Perkins, Coach Ivory led the Golden Lions to the 2010 Southwestern Athletic Conference Tournament Championship and a berth in the NCAA Division I Men's Basketball Tournament. UAPB earned a 61–44 victory over Winthrop during the NCAA tournament, advancing to the next round. The Golden Lions' tournament appearance marked the first in the program's history. The Golden Lions finished the season 18–16, capturing their first overall winning season since rejoining the Southwestern Athletic Conference in 1997.

I commend the entire UAPB community for their support of the Golden Lions team, and for building an environment where students have the opportunity to reach their academic goals and achieve their dreams.●

MESSAGE FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1258. An act to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes.

H.R. 3125. An act to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Administration.

H.R. 3506. An act to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes.

H.R. 4275. An act to designate the annex building under construction for the Elbert P. Tuttle United States Court of appeals Building in Atlanta, Georgia, as the ''John C. Godbold Federal Building''.

H.R. 4994. An act to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

The message also announced that the House has passed the following joint resolution, without amendment:

S. J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 243. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 4573. An act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3506. An act to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4275. An act to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold Federal Building''; to the Committee on Environment and Public Works.

H.R. 4994. An act to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1258. An act to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes.

H.R. 3125. An act to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

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–5373. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5374. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma Regulatory Program'' (SATS No. OK–032–FOR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Energy and Natural Resources.

EC–5375. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs'' (FRL No. 9133–6) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Environment and Public Works.

EC–5376. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Alternate Monitoring Requirements for Indianapolis Power and Light—Harding Street Station'' (FRL No. 9124–9) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Environment and Public Works.

EC–5377. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards'' (FRL No. 9129–7) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Environment and Public Works.

EC–5378. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District'' (FRL No. 9124–5) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Environment and Public Works.

EC–5379. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Wildlife Refuge Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''2009–2010 Refuge-Specific Hunting and Sport Fishing Regulations—Additions'' (RIN1018–AW49) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Environment and Public Works.

EC–5380. 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 ''Increase in the Primary Nuclear Liability Insurance Premium'' (RIN3150–AI74) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Environment and Public Works.

EC–5381. A communication from the Regulations Coordinator, Centers for Medicare

and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs'' (RIN0938–AP77) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC–5382. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Temporary Assistance for Needy Families (TANF) Carry-over Funds'' (RIN0970–AC40) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Finance.

EC–5383. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Liquor Dealer Recordkeeping and Registration, and Repeal of Certain Special (Occupational) Taxes'' (RIN1513–AB63) received during adjournment of the Senate in the Office of the President of the Senate on April 7, 2010; to the Committee on Finance.

EC–5384. 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 ''Travel Expenses of State Legislators'' (RIN1545–BG92) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC–5385. 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 ''Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2009'' (Notice No. 2010–31) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC–5386. 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 ''PFIC Shareholder Reporting Under New Section 1298(f) for Tax Years Beginning Before March 18, 2010'' (Notice No. 2010–34) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC–5387. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Attestation Applications by Facilities Temporarily Employing H–1C Nonimmigrant Foreign Workers as Registered Nurses; Final Rule'' (RIN1205–AB52) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Finance.

EC–5388. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Trade Adjustment Assistance; Merit Staffing of State Administration and Allocation of Training Funds to States'' (RIN1205–AB56) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Finance.

EC–5389. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2009; to the Committee on Finance.

EC–5390. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use of funds appropriated by the Deficit Reduction Act of 2005; to the Committee on Finance.

EC–5391. 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 2010–0056—2010–0063); to the Committee on Foreign Relations.

EC–5392. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, and defense services to support the transfer of the ProtoStarII Satellite Commercial Communication Satellite from Bermuda to Isle of Man, British Isles in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–5393. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, and defense services to support the Proton launch of the OS–2 Commercial Communications Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–5394. A communication from the Deputy Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, (3) reports relative to vacancies in the Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5395. A communication from the Chairman of the Chief Human Capital Officers Council, Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Chief Human Capital Officers Council for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–5396. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the Department's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5397. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5398. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5399. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Personnel Management's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5400. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5401. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to activities carried out by the Family Court during 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–5402. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act; to the Committee on the Judiciary.

EC–5403. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the 2009 Annual Report of the Director of the Administrative Office of the U.S. Courts and a report relative to the 2009 Judicial Business of the United States Court; to the Committee on the Judiciary.

EC–5404. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third annual report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC–5405. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC–5406. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2008 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–5407. A communication from the Deputy Under Secretary of Defense (Policy), Department of Defense, transmitting, pursuant to law, a report relative to National Guard Counterdrug Schools Activities; to the Committee on the Judiciary.

EC–5408. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Collection of Administrative Debts; Collection of Debts Arising from Enforcement and Administration of Campaign Finance Laws'' (Notice No. 2010–10) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3031. A bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3217. An original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Joseph Martinez, of Colorado, to be United States District Judge for the District of Colorado.

Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District of Illinois.

Sharon Johnson Coleman, of Illinois, to be United States District Judge for the Northern District of Illinois.

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

Noel Culver March, of Maine, to be United States Marshal for the District of Maine for the term of four years.

George White, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Brian Todd Underwood, of Idaho, to be United States Marshal for the District of Idaho for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. COCHRAN, Mr. NELSON of Florida, Mr. LEMIEUX, and Mr. KAUFMAN):

S. 3208. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for allocating the cover over of distilled spirits taxes between Puerto Rico and the Virgin Islands; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3209. A bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Mr. DODD):

S. 3210. A bill to establish a Design Excellence Program at the Department of State, to reestablish the Architectural Advisory Board, to assess the Standard Embassy Design Program, and for other purposes; to the Committee on Foreign Relations.

By Mrs. SHAHEEN (for herself, Ms. STABENOW, Mrs. HAGAN, and Mr. FRANKEN):

S. 3211. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3212. A bill to amend the Internal Revenue Code of 1986 and section 1603 of the American Recovery and Reinvestment Tax Act of 2009 to provide that qualified energy efficiency property is eligible for the energy credit and the Department of Treasury grant; to the Committee on Finance.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. STABENOW, Mr. SHELBY, Ms. COLLINS, Mr. BROWN of Ohio, and Ms. LANDRIEU):

S. 3213. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. FEINGOLD, and Mr. KAUFMAN):

S. 3214. A bill to prohibit any person from engaging in certain video surveillance except under the same conditions authorized under chapter 119 of title 18, United States Code, or as authorized by the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. SCHUMER, Mr. KERRY, Mr. MENENDEZ, Mr. AKAKA, Mr. BROWN of Ohio, Mr. DODD, Mr. DURBIN, Mr. LIEBERMAN, Mr. MERKLEY, Mr. PRYOR, and Mr. UDALL of New Mexico):

S. 3215. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3216. A bill to amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, to ensure equitable reimbursement under the Medicare program for all rural States, and to eliminate sweetheart deals for frontier States; to the Committee on Finance.

By Mr. DODD:

S. 3217. An original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. CONRAD (for himself and Mr. SESSIONS):

S. 3218. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 3219. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 3220. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. KERRY, Mr. LUGAR, Mrs. SHAHEEN, and Mr. CARDIN):

S. Res. 483. A resolution congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself and Mr. INHOFE):

S. Res. 484. A resolution designating the week of May 16 through May 22, 2010, as ''National Public Works Week''; considered and agreed to.

By Mr. AKAKA (for himself and Mr. ENZI):

S. Res. 485. A resolution designating April 2010 as ''Financial Literacy Month''; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. SESSIONS):

S. Res. 486. A resolution supporting the mission and goals of the 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, no matter the country of origin or creed of the victim, and to commemorate the National Crime Victims' Rights Week theme referred to as ''Crime Victims' Rights: Fairness. Dignity. Respect.''; considered and agreed to.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. HARKIN, Mr. ENZI, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, 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. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, 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. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, 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. 487. A resolution honoring the coal miners who perished in the Upper Big Branch Mine—South in Raleigh County, West Virginia, extending the condolences of the United States Senate to the families of the fallen coal miners, and recognizing the valiant efforts of the emergency response workers; considered and agreed to.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 752

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 843

At the request of Mr. BENNET, his name was added as a cosponsor of S. 843, a bill to establish background check procedures for gun shows.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 3031

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3031, a bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3111

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3111, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 3134

At the request of Mr. SCHUMER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3134, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3170

At the request of Mr. BOND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3170, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 3171

At the request of Mrs. LINCOLN, the names of the Senator from Florida (Mr. LEMIEUX), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3180

At the request of Mr. LEMIEUX, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3180, a bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3188

At the request of Mrs. SHAHEEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3188, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property.

S. 3195

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3195, a bill to prohibit air carriers from charging fees for carry-on baggage and to require disclosure of passenger fees, and for other purposes.

S. 3205

At the request of Mr. SCHUMER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3205, a bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air.

S. CON. RES. 55

At the request of Mr. FEINGOLD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Con. Res. 55, a concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin.

S. RES. 316

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 339

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 339, a resolution to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. STABENOW, Mr. SHELBY, Ms. COLLINS, Mr. BROWN of Ohio, and Ms. LANDRIEU):

S. 3213. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today I am introducing the Harbor Maintenance Act, a bill with bipartisan and multi-regional support that would help ensure that funds deposited into the Harbor Maintenance Trust Fund would be used for their intended purposes: to properly maintain and operate our Federal harbors and ports.

The Harbor Maintenance Trust Fund, also known as the HMTF, was created to collect fees in order to pay for the

maintenance and operation costs of Federal harbors and ports. While nearly ¼ of the U.S. gross domestic product flows through these harbors, over half of these important ports are not maintained to their authorized dimensions. This results in less efficient and more polluting transport, as well as an increased risk of vessel groundings and collisions. One of the ways to ensure a robust and sustainable economic recovery includes strengthening our Nation's infrastructure, which includes our navigational infrastructure.

Every year, hundreds of millions of dollars are collected into the HMTF but never spent, even though there are critical navigation needs. For example, the Army Corps of Engineers estimates a backlog of about 15 million cubic yards of dredging needs at commercial federally-authorized Great Lakes harbors and channels. This dredging backlog has resulted in freighters getting stuck in channels, ships having to carry reduced loads, and some shipments simply stopping altogether.Dredging to proper depths is critical not only for Michigan's economy, but for the Nation's economy, as these shipments include commodities that fuel our Nation's industries, products for construction, fuel for heating and cooling homes and businesses, and agricultural products for export.

Similar navigational infrastructure needs exist throughout our country, and the range of cosponsors from different parts of the country demonstrates this bill would help improve the navigational infrastructure across the Nation. This bill also has the support of a broad coalition called the Realize America's Maritime Promise, which is made up of hundreds of port authorities, vessel operators, port communities, public and private terminal operators, pilot associations, dredging companies, shipbuilders, maritime labor unions, manufacturers, bulk cargo owners and shippers, and other companies and associations dependent on fully accessible navigation channels.

Currently, the HMTF has a surplus that exceeds $5 billion. Beginning in 2003, funds appropriated for harbor and channel maintenance have been significantly below annual HMTF collections. To help ensure these backlogs do not continue to grow, this bill would allow any Member of Congress to make a point of order against an appropriations bill if the total revenue for that fiscal year, as projected in the President's annual budget request, is not fully appropriated for its intended navigational infrastructure purposes. Similar problems with funding backlogs occurred with the Highway Trust Fund and the Airports and Airways Trust Fund. Congress responded by enacting legislation to address these problems. Congress should do the same for the Harbor Maintenance Trust Fund. Our Nation's infrastructure—whether it be roadways, airports, or ports and harbors—should be treated the same way. Shipping by water is the most efficient means of transporting bulk commodities, and we should make sure our Nation's navigational infrastructure can effectively handle these shipments, rather than allowing these ports and harbors to exist in a state of disrepair.

A sustainable economic recovery depends on strong infrastructure. Passing this bill would help us advance our recovery and improve our economic competitiveness. I urge your support.

By Mr. SPECTER (for himself, Mr. FEINGOLD, and Mr. KAUFMAN):

S. 3214. A bill to prohibit any person from engaging in certain video surveillance except under the same conditions authorized under chapter 119 of title 18, United States Code, or as authorized by the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Surreptitious Video Surveillance Act of 2010, on behalf of Senator FEINGOLD, Senator KAUFMAN, and myself.

This is a bill which I submit is necessary to protect our citizens from unwarranted intrusions in their homes. The bill regulates the use of surreptitious video surveillance in private residences where there is a reasonable expectation of privacy.

Earlier this year, in Lower Merion Township, a suburb of Philadelphia, it was discovered that laptops taken home by students could be activated by school officials and thereby see what was going on inside a private residence.

Surprisingly, this kind of surreptitious surveillance is not prohibited under Federal law. The wiretap laws specify it is a violation of law to intercept a telephone conversation or to have a microphone that overhears a private conversation, but if it is visual, there is no prohibition.

This issue has been in the public domain since 1984—more than 25 years ago—when Judge Richard Posner, in the case captioned U.S. v. Torres, said this:

> Electronic interception, being by nature a continuing rather than one-shot invasion, is even less discriminating than a physical search, because it picks up private conversations (most of which will usually have nothing to do with any illegal activity) over a long period of time. . . . [E]lectronic interception is thought to pose a greater potential threat to personal privacy than physical searches. . . . Television surveillance is identical in its indiscriminate character to wiretapping and bugging.

Judge Posner identified the problem a long time ago. Yet it lay dormant until this incident in Lower Merion Township brought it into the public fore.

On March 29, in my capacity as chairman of the Judiciary Subcommittee on Crime and Drugs, we conducted a hearing in Philadelphia. We had an array of experts very forcefully identify the problem and the need for corrective action.

The New York Times editorialized, on April 2, 2010, in favor of this legislation.

I urge my colleagues to take a look at the bill. I think there is likely to be widespread acceptance that in an era of warrantless wiretaps, when privacy is so much at risk, we ought to fill the gap in the law to cover this kind of electronic surveillance.

Mr. President, I ask unanimous consent that a copy of the New York Times editorial dated April 2, 2010, the text of my full statement and the text of the bill be printed in the RECORD.

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

[From the New York Times, Apr. 2, 2010]

EDITORIAL: ABOUT THAT WEBCAM

A Pennsylvania town has been roiled by a local high school using cameras in school-issued laptops to spy on students. Almost as shocking is the fact that the federal wiretap law that should prohibit this kind of surveillance does not cover spying done through photography and video in private settings.

Senator Arlen Specter, a Democrat of Pennsylvania, is proposing to amend the federal wiretap statute to prohibit visual spying that is not approved by a court in advance. Congress should move quickly to make this change.

Lower Merion, outside of Philadelphia, gave students at Harriton High School laptops that they could take home to use to do their work. It did not tell the students, however, that the laptops were equipped with special software that allowed them to observe the students through the computers' built-in cameras. The purpose, the school district later explained, was to protect the laptops from theft or damage.

Using this surveillance capability, school officials found images that led them to believe that Blake Robbins, a 15-year-old student, was using illegal drugs. Mr. Robbins said the ''pills'' he was seen consuming were Mike and Ike candies. His parents filed a lawsuit against the school district, charging that it had illegally spied on their son.

Conducting video surveillance of students in their homes is an enormous invasion of their privacy. If the district was really worried about losing the laptops, it could have used GPS devices to track their whereabouts or other less-intrusive methods. Whatever it did, the school had a responsibility to inform students that if they accepted the laptops, they would also accept monitoring.

The law should also do more. The Wiretap Act prohibits electronic eavesdropping on conversations and intercepting transmitted communications, such as e-mail. It does not cover visual surveillance. That was a mistake when parts of the law were passed in 1986, but it is an even bigger problem today, with the ubiquity of cellphone cameras, and online video services.

The act should be amended to prohibit video and photographic surveillance of people without their consent in their homes, hotels, and any other place in which they have a legitimate expectation of privacy.

FLOOR STATEMENT OF SENATOR ARLEN SPECTER IN SUPPORT OF THE SURREPTITIOUS VIDEO SURVEILLANCE ACT OF 2010

Mr. President, I have sought recognition to introduce the Surreptitious Video Surveillance Act of 2010, a bill needed to protect our citizens from unwarranted intrusions in their homes. This bill regulates the use of surreptitious video surveillance in private

residences where there is a reasonable expectation of privacy.

In February of this year, national and international news stories covered an alleged incident in the Lower Merion School District in Montgomery County, PA. According to a lawsuit filed in Federal court, the Harriton High School administrators in Lower Merion allegedly engaged in surreptitious video surveillance of a student in his bedroom by using a remotely activated webcam on a school laptop. If these allegations are true, the school engaged in a significant invasion of an individual's fundamental right of privacy. Michael and Holly Robbins, parents of the high school student, allege that the school used a webcam, which was part of a theft tracking software program installed in each school-issued laptop, to remotely take photographs of their son in their home. The parents allege that the school district's actions amounted to ''spying'' and conducting unlawful ''surveillance,'' and they claim that they were not given prior notice that the school could remotely activate the embedded webcam at any time.

This is something that could happen almost anywhere and at any time in our country. Many corporations, government agencies and schools loan laptops to employees and students. And many of these laptops have webcams with the ability to take video or still shots that can be operated remotely.

The alleged webcam spying case raises important and fundamental issues concerning the rights of individuals to privacy in their homes for themselves and for their children, and shows how those rights can conflict with important rights that owners of property have to conduct surveillance to protect their property and to maintain safety.

On Monday, March 29, 2010, I chaired a Subcommittee on Crime and Drugs field hearing in Philadelphia, Pennsylvania. At that hearing, we heard from a host of experts that Title III of the Omnibus Crime Control and Safe Streets Act, known as the Federal Wiretap Act, does not forbid video surveillance. Title III creates criminal and civil liability for secretly recording conversations in a room or on the telephone, as well as interceptions of email communications, without a court order. But since the Wiretap Act was passed in 1968, it has never covered silent visual images. This conclusion is supported by a large body of case law and is also bolstered by Congress' clear legislative history. After studying the matter, I announced that I would introduce legislation to close this gap in coverage. On April 2, 2010, the New York Times editorial page noted I would introduce legislation ''to amend the federal wiretap statute to prohibit visual spying that is not approved by a court in advance'' and went on to say, ''Congress should move quickly to make this change.''

Technology is changing fast—faster than our federal laws can keep up. More than 25 years ago, Judge Richard Posner in *United States* v. *Torres*, 751 F.2d 875, 884–885 (7th Cir. 1984), saw the need for Congress to address video surveillance when he wrote:

Electronic interception, being by nature a continuing rather than one-shot invasion, is even less discriminating than a physical search, because it picks up private conversations (most of which will usually have nothing to do with any illegal activity) over a long period of time . . . [E]lectronic interception is thought to pose a greater potential threat to personal privacy than physical searches . . . Television surveillance is identical *in its indiscriminate character* to wiretapping and bugging (emphasis in original).

Holding that Title III did not apply to secret television cameras placed by the government in a safe house to observe members of the FALN terrorist organization build bombs, Judge Posner specifically invited Congress to respond ''to the issues discussed in this opinion by amending Title III to bring television surveillance within its scope.''

The bill I am introducing today, the Surreptitious Video Surveillance Act of 2010, makes that long overdue correction to the law. The bill strikes the necessary and correct balance of protecting important privacy rights without proscribing the visual surveillance needed to protect our property and safety. It does this simply by amending the Federal Wiretap Act to treat video surveillance the same as an interception of an electronic communication. Video surveillance is defined in the bill to mean the intentional recording of visual images of an individual in an area of a residence that is not readily observable from a public location and in which the individual has a reasonable expectation of privacy.

The bill does not regulate video surveillance where another resident or individual present in the residence consents to the surveillance. Thus, the bill does not regulate cameras in the workplace, does not prohibit the use of cameras in undercover operations using confidential informants, and does not include residential security systems that use video cameras.

Many of us expect to be subject to certain kinds of video surveillance when we leave our homes and go out each day—at the ATM machine, at traffic lights, or in stores for example. We expect this and we do not mind because we understand that such surveillance helps to protect us and our property. What we do not expect, however, is to be under visual surveillance in our homes, in our bedrooms, and most especially, we do not expect it for our children in our homes. Today cameras in computers and in cell phones are ubiquitous, making it more urgent that the Federal Wiretap Act be amended to prohibit video surveillance of people without their consent in their homes. I urge the Senate to make this long overdue correction to the law and pass this bill quickly to protect important privacy rights of all Americans.

S. 3214

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 ''Surreptitious Video Surveillance Act of 2010''.

SEC. 2. PROHIBITION ON USE OF VIDEO SURVEILLANCE.

(a) IN GENERAL.—Chapter 119 of title 18, United States Code, is amended by adding at the end the following:

''§ 2523. Prohibition on use of video surveillance

''(a) DEFINITION.—In this section, the term 'video surveillance' means the intentional acquisition, capture, or recording of a visual image or images of any individual if—

''(1) the individual is in an area of a temporary or permanent residence that is not readily observable from a public location;

''(2) the individual has a reasonable expectation of privacy in the area; and

''(3) the visual image or images—

''(A) are made without the consent of—

''(i) an individual present in the area; or

''(ii) a resident of the temporary or permanent residence; and

''(B) are—

''(i) produced using a device, apparatus, or other item that was mailed, shipped, or transported in or affecting interstate or foreign commerce by any means; or

''(ii) transported or transmitted, in or affecting, or using any means or facility of, interstate or foreign commerce, including by computer.

''(b) PROHIBITION ON VIDEO SURVEILLANCE.—It shall be unlawful for any person to engage in any video surveillance, except—

''(1) as provided in this section; or

''(2) as authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

''(c) TREATMENT AS ELECTRONIC SURVEILLANCE.—

''(1) IN GENERAL.—Subject to paragraph (2)—

''(A) video surveillance shall be considered to be an interception of an electronic communication for the purposes of this chapter; and

''(B) it shall not be unlawful for a person to engage in video surveillance if the video surveillance is conducted in a manner or is of a type authorized under this chapter for the interception of an electronic communication.

''(2) EXCEPTION.—Sections 2511(2)(c), 2511(2)(d), 2512, 2513, and 2518(10)(c) shall not apply to video surveillance.

''(3) PROHIBITION OF USE AS EVIDENCE OF VIDEO SURVEILLANCE.—

''(A) IN GENERAL.—No part of the contents of video surveillance and no evidence derived from video surveillance may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof if the disclosure of the video surveillance would be in violation of this chapter.

''(B) MOTION TO SUPPRESS.—

''(i) IN GENERAL.—Any aggrieved person in any trial, hearing, or proceeding described in subparagraph (A) may move to suppress the contents of any video surveillance conducted under this chapter, or any evidence derived from the video surveillance, on the grounds that—

''(I) the video surveillance was unlawfully conducted;

''(II) the order of authorization or approval under which the video surveillance was conducted was insufficient on its face; or

''(III) the video surveillance was not conducted in conformity with the order of authorization or approval.

''(ii) TIMING OF MOTION.—A motion made under clause (i) shall be made before the trial, hearing, or proceeding unless—

''(I) there was no opportunity to make such motion; or

''(II) the aggrieved person described in clause (i) was not aware of the grounds of the motion.

''(iii) REMEDY.—If the motion made under clause (i) is granted, the contents of the video surveillance, or evidence derived from the video surveillance, shall be treated as having been obtained in violation of this chapter.

''(iv) INSPECTION OF EVIDENCE.—The judge, upon filing of a motion under clause (i), may, in the discretion of the judge, make available to the aggrieved person or counsel for the aggrieved person for inspection such portions of the video surveillance or evidence derived from the video surveillance as the judge determines to be in the interests of justice.

''(v) RIGHT TO APPEAL.—

''(I) IN GENERAL.—In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion made under clause (i), or the denial of an application for an order of approval, if the United States attorney certifies to the judge or other official granting the motion or denying the application that the appeal is not taken for purposes of delay.

''(II) FILING DEADLINE.—An appeal under subclause (I) shall—

''(aa) be taken within 30 days after the date the order was entered; and

''(bb) be diligently prosecuted.''.

(b) CHAPTER ANALYSIS.—The table of sections for chapter 119 of title 18, United States Code, is amended by adding at the end the following:

''2523. Prohibition on use of video surveillance.''.

By Mr. BINGAMAN (for himself, Mr. SCHUMER, Mr. KERRY, Mr. MENENDEZ, Mr. AKAKA, Mr. BROWN of Ohio, Mr. DODD, Mr. DURBIN, Mr. LIEBERMAN, Mr. MERKLEY, Mr. PRYOR, and Mr. UDALL of New Mexico):

S. 3215. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, on this annual Tax Day, I rise to introduce the Taxpayer Protection and Assistance Act of 2007, a robust package of reforms aimed at protecting the rights of all American taxpayers. I am pleased that my colleagues on the Finance Committee, Senators SCHUMER, KERRY, and MENENDEZ, as well as Senators AKAKA, BROWN of Ohio, DODD, DURBIN, LIEBERMAN, MERKLEY, PRYOR, and UDALL of New Mexico, are joining me in introducing this bill.

This act consists of numerous well-vetted provisions, which will ensure our nation's taxpayers are better able to prepare and file their tax returns each year in a fashion that is fair, reasonable, and affordable.

First, the act clarifies taxpayers' rights and responsibilities by requiring Treasury to publish an easy-to-understand Taxpayer Bill of Rights, enumerating taxpayers' rights and obligation, and corresponding Internal Revenue Code citations. As the National Taxpayer Advocate has explained: ''The [Internal Revenue] Code contains no comprehensive Taxpayer Bill of Rights that explicitly and transparently sets out taxpayer rights and obligations. Taxpayers do have rights, but they are scattered throughout the [Internal Revenue] Code and the Internal Revenue Manual and are neither easily accessible nor written in plain language that most taxpayers can understand.'' The act would rectify these shortcomings, without conferring any rights or obligations not already provided for under law.

Second, the act supports programs that assist low-income taxpayers. It authorizes a $35 million grant program for Volunteer Income Tax Assistance, VITA, programs. VITA programs across the country offer free tax assistance to low- to moderate-income individuals who cannot afford professional assistance. More than 75,000 VITA volunteers prepare basic tax returns for these taxpayers; typically VITA programs focus on at least one specific underserved group with special needs—such as persons with disabilities, non-English speaking persons, Native Americans, rural taxpayers, and the elderly. During the 2009 filing season, VITA programs prepared more than 1.2 million tax returns and brought back over $1.6 billion in tax refunds to working families.

I have seen firsthand the impact that free tax-preparation clinics can have on taxpayers and their communities. In fact, New Mexico is fortunate to have one of the nation's leading programs. Tax Help New Mexico began 35 years ago at Central New Mexico Community College, CNM, as a practical means of giving accounting students work experience in tax preparation while serving a community need. But while 70 percent of New Mexicans are eligible for Tax Help New Mexico's services, only 6.5 percent are able to take advantage. To enable community VITA programs like Tax Help New Mexico to reach more underserved low-income taxpayers, the act authorizes a $35 million IRS grant program.

Likewise, the act would strengthen Low-Income Taxpayer Clinics. These clinics, typically operated by community organizations and law schools, provide representation to low-income taxpayers in disputes with the IRS. The act authorizes the Treasury Secretary to refer taxpayers to these clinics. It also increases to $20 million annually the authorization for LITC grant programs. This will provide a substantial boost to clinics that serve this vital function, such as that which the University of New Mexico Law School operates for taxpayers in my state.

Third, the act enhances the regulation of paid tax-return preparers. Nearly all professions—from beauticians to mortuaries to opticians—are regulated at the state level. But with only a handful of exceptions, states do not regulate tax return preparers. Nor does the federal government currently regulate unenrolled tax return preparers, i.e., return preparers who are not CPAs, attorneys, enrolled agents, or enrolled actuaries—all already regulated under IRS Circular 230. A significant percentage of unenrolled preparers are well-trained and maintain high ethical standards. But untrained and unscrupulous tax return preparers can inflict serious harm on taxpayers and significantly undermine tax compliance.

For years, taxpayers, tax professionals, and the National Taxpayer Advocate have been calling for federal regulation of unenrolled preparers. In early 2010, the IRS began taking steps to exercise oversight over these unenrolled preparers. I applaud the IRS's initiative. But it is still unclear that the IRS's program will be sufficiently comprehensive. Moreover, many see a benefit in clarifying the scope of the IRS's regulatory authority.

The act responds to these concerns by codifying a regulatory system for unenrolled preparers. In order for a tax preparer to become registered and authorized by Treasury, the act requires preparers to pass a basic background check and an examination of competency and ethics standards. To remain in good standing, preparers will be required to satisfy continuing education requirements or be reexamined every three years on changes in tax law and common preparation mistakes. The act requires Treasury to maintain and publish for taxpayers a comprehensive list of all authorized tax return preparers, including Circular 230 preparers.

Fourth, the act creates an oversight system for tax refund delivery products. Refund Anticipation Loans, RALs, are high-cost bank loans secured by a taxpayer's expected refund—loans that typically last 7 to 14 days, until the actual IRS refund arrives and is used to repay the loan. RALs are often aggressively marketed by paid income-tax preparers, which advertise ''Instant Refunds'' or ''Quick Cash,'' sometimes disguising that they are selling advance loans on anticipated tax refunds. According to the National Consumer Law Center: ''Tax preparers and their bank partners made approximately 8.7 million RALs during the 2007 tax-filing season. . . .'' In my state of New Mexico, 25 percent of taxpayers eligible for the Earned Income Tax Credit received a RAL in 2005.

RALs might offer quick cash, but they are not a good deal for taxpayers. As the National Consumer Law Center exposed in a 2009 report, the typical RAL of about $3,000 carries an annual percentage rate, APR, from 77 percent to 140 percent. We know that our vulnerable communities are particularly susceptible to RALs. In fact, a recent study by the First Nations Development Institute and Center for Responsible Lending found that RALs drained over $9.1 million from Native American communities in 2005.

I am very troubled by the prevalence of RALs. And to begin addressing problems associated with them, the act requires Treasury to establish a registration program for those involved in the process of facilitating a tax refund delivery product, RDP, including RALs. Additionally, RDP facilitators will be required to disclose in writing and in an easily understandable format the taxpayer's options for receiving tax refunds, listed from least expensive to most expensive, the RDP's loan terms and fee schedule, and any other costs that the taxpayer may incur in filing a tax return. Moreover, the Act would prohibit Treasury from issuing a Refund Indicator, a score on which RDP facilitators rely before issuing a RDP, unless Treasury first determines that the taxpayer's refund would not be prevented by debts the taxpayer owes on student loans, child support, or by other provisions in the Tax Code. This additional screen will minimize the likelihood that a taxpayer will be issued a loan based on a refund claim that will not ultimately materialize

and which the taxpayer would nonetheless be required to repay.

Fifth, the act requires additional protections before the IRS files a federal tax lien. The IRS has a number of enforcement tools at its disposal to ensure tax compliance, but use of these tools must be balanced with the need to ensure taxpayers do not suffer unnecessary long-term harm as a result. One such tool is the filing of a Notice of Federal Tax Lien, NFTL, when a taxpayer owes back taxes. But as the National Taxpayer Advocate explains in her 2009 Report to Congress: ''[The filing of a tax lien can significantly harm the taxpayer's credit and affect his or her ability to obtain financing, find or retain a job, secure affordable housing or insurance, and ultimately pay the outstanding tax debt. For these reasons, the National Taxpayer Advocate believes that the IRS should not automatically file NFTLs but instead should carefully consider and balance these competing interests when determining whether a lien filing is appropriate.'' In my state alone, the IRS filed nearly 5,000 liens against taxpayers last year. The act would require the IRS to make individualized determinations before filing an NFTL, and in doing so to consider several enumerated factors, including the amount due, the taxpayer's compliance history, and any extenuating circumstances.

Sixth, the act establishes a demonstration program to provide accounts to those who currently lack bank accounts. IRS data show that of the 60 million Federal tax refunds that were issued via paper checks in 2005, almost half went to households earning $30,000 or less. These households are most likely to lack access to reasonably-priced financial services—and thus most likely to pay a disproportionate amount of their income to conduct routine financial transactions. Yet the issuance of a refund check presents an important opportunity to bring these low-income taxpayers into the financial mainstream. The act authorizes Treasury to award eligible entities demonstration project grants so that they can establish accounts for individuals who currently lack bank accounts. The act also requires a study on the feasibility of delivering tax refunds on debit, prepaid, and other electronic cards.

Finally, the act requires the IRS to study processing information returns and the effectiveness of collection alternatives. Currently, the IRS processes income tax returns before it processes most information returns, such as W–2s and 1099s. From the taxpayer's perspective, this leads to millions of cases where taxpayers may inadvertently make overclaims that the IRS does not identify until months later, exposing the taxpayer not only to additional tax liability, but to penalties and interest. This sequence also provides opportunities for fraud and requires the IRS to devote resources that should have not been paid and that it often cannot recover. The act also directs Treasury to conduct a study to identify and recommend legislative and administrative changes that would enable the IRS to receive and process information reporting documents before it processes tax returns. This should bring us closer to the goal of voluntary pre-populated returns, which I understand are already available in most OECD countries.

I have long maintained that our tax system depends on taxpayers being able to receive the best advice and assistance possible. We have a responsibility to our nation's taxpayers to make sure that they do receive such advice and assistance. This bill goes a long way toward that goal.

I would be remiss if I did not acknowledge that this bill is the product of considerable collaboration. It draws on many recommendations of our National Taxpayer Advocate, Nina Olson. It also builds on input we have received from national and local taxpayer advocacy organizations, among them the Center for Economic Progress, Tax Help New Mexico, and the Maryland CASH Campaign. I am grateful for these stakeholders' participation.

These are long overdue reforms; I hope that the Senate will consider them in this session.

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. 3215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Bill of Rights Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TAXPAYER RIGHTS AND OBLIGATIONS

Sec. 101. Statement of taxpayer rights and obligations.

TITLE II—PREPARATION OF TAX RETURNS

Sec. 201. Programs for the benefit of low-income taxpayers.
Sec. 202. Regulation of Federal income tax return preparers.
Sec. 203. Refund delivery products.
Sec. 204. Preparer penalties with respect to preparation of returns and other submissions.
Sec. 205. Clarification of enrolled agent credentials.

TITLE III—IMPROVING TAXPAYER SERVICES

Sec. 301. Individualized lien determination required before filing notice of lien.
Sec. 302. Ban on audit insurance.
Sec. 303. Public awareness.
Sec. 304. Clarification of taxpayer assistance order authority.
Sec. 305. Taxpayer advocate directives.
Sec. 306. Improved services for taxpayers.
Sec. 307. Taxpayer access to financial institutions.
Sec. 308. Additional studies.

TITLE I—TAXPAYER RIGHTS AND OBLIGATIONS

SEC. 101. STATEMENT OF TAXPAYER RIGHTS AND OBLIGATIONS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7529. STATEMENT OF TAXPAYER RIGHTS AND OBLIGATIONS.

''(a) IN GENERAL.—The Secretary, in consultation with the National Taxpayer Advocate, shall publish a summary statement of rights and obligations arising under this title. Such statement shall provide citations to the main provisions of this title which provide for the right or obligation (as the case may be). This statement of rights and obligations does not create or confer any rights or obligations not otherwise provided for under this title.

''(b) STATEMENT OF RIGHTS AND OBLIGATIONS.—The statement of rights and obligations is as follows:

''(1) TAXPAYER RIGHTS.—

''(A) Right to be informed (including adequate legal and procedural guidance and information about taxpayer rights).

''(B) Right to be assisted.

''(C) Right to be heard.

''(D) Right to pay no more than the correct amount of tax.

''(E) Right of appeal (administrative and judicial).

''(F) Right to certainty (including guidance, periods of limitation, no second exam, and closing agreements).

''(G) Right to privacy (including due process considerations, least intrusive enforcement action, and search and seizure protections).

''(H) Right to confidentiality.

''(I) Right to appoint a representative in matters before the Internal Revenue Service.

''(J) Right to fair and just tax system (offer in compromise, abatement, assistance from the Office of the Taxpayer Advocate under section 7803(c), apology, and other compensation payments).

''(2) TAXPAYER OBLIGATIONS.—

''(A) Obligation to be honest.

''(B) Obligation to be cooperative.

''(C) Obligation to provide accurate information and documents on time.

''(D) Obligation to keep records.

''(E) Obligation to pay taxes on time.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7529. Statement of taxpayer rights and obligations.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

TITLE II—PREPARATION OF TAX RETURNS

SEC. 201. PROGRAMS FOR THE BENEFIT OF LOW-INCOME TAXPAYERS.

(a) VOLUNTEER INCOME TAX ASSISTANCE PLUS.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

''SEC. 7526A. VOLUNTEER INCOME TAX ASSISTANCE PLUS.

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or

continuation of qualified return preparation programs.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RETURN PREPARATION PROGRAM.—

''(A) IN GENERAL.—The term 'qualified return preparation program' means a program—

''(i) which does not charge taxpayers for its return preparation services,

''(ii) which operates programs which assist low-income taxpayers, including those programs that serve taxpayers for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income, and

''(iii) in which all of the volunteers who assist in the preparation of Federal income tax returns meet the training requirements prescribed by the Secretary.

''(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—For purposes of subparagraph (A), a program is treated as assisting low-income taxpayers if at least 90 percent of the taxpayers assisted by the program have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

''(2) PROGRAM.—The term 'program' includes—

''(A) a program at an institution of higher education which—

''(i) is described in section 102 (other than subsection (a)(1)(C) thereof) of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this section, and which has not been disqualified from participating in a program under title IV of such Act, and

''(ii) satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing,

''(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1);

''(C) a regional, State or local coalition (with one lead organization, which meets the eligibility requirements, acting as the applicant organization);

''(D) a county or municipal government agency;

''(E) an Indian tribe, as defined in section 4(12) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12), and includes any tribally designated housing entity (as defined in section 4(21) of such Act (25 U.S.C. 4103(21)), tribal subsidiary, subdivision, or other wholly owned tribal entity;

''(F) a section 501(c)(5) organization;

''(G) a State government agency if no other eligible organization is available to assist the targeted population or community;

''(H) a Cooperative Extension Service office if no other eligible organization is available to assist the targeted population or community; and

''(I) a nonprofit Community Development Financial Institution (CDFI) and federally- and State-charted credit union that qualifies for a tax exemption under sections 501(c)(1) and 501(c)(14), respectively.

''(c) SPECIAL RULES AND LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $35,000,000 per year (exclusive of costs of administering the program) to grants under this section.

''(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for overhead expenses that are not directly related to any program or that are incurred by any institution sponsoring such program.

''(3) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (6) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation programs.

''(4) PROMOTION OF PROGRAMS.—The Secretary is authorized to promote the benefits of and encourage the use of qualified VITA Plus through the use of mass communications, referrals, and other means.''.

(b) LOW-INCOME TAXPAYER CLINICS.—

(1) INCREASE IN AUTHORIZED GRANTS.—Paragraph (1) of section 7526(c) (relating to aggregate limitation) is amended by striking ''$6,000,000'' and inserting ''$20,000,000''.

(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—

(A) IN GENERAL.—Section 7526(c) (relating to special rules and limitations) is amended by adding at the end the following new paragraph:

''(6) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the overhead expenses that are not directly related to the clinic or that are of any institution sponsoring such clinic.''.

(B) CONFORMING AMENDMENTS.—Section 7526(c)(5) is amended—

(i) by inserting ''qualified'' before ''low-income'', and

(ii) by striking the last sentence.

(3) PROMOTION OF CLINICS.—Subsection (c) of section 7526 (relating to special rules and limitations), as amended by paragraph (2), is amended by adding at the end the following new paragraph:

''(7) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of qualified low-income taxpayer clinics through the use of mass communications, referrals, and other means.''.

(4) IRS REFERRALS TO CLINICS.—Subsection (c) of section 7526 (relating to special rules and limitations), as amended by the preceding provisions of this subsection, is amended by adding at the end the following new paragraph:

''(8) IRS REFERRALS.—The Secretary may refer taxpayers to qualified low-income taxpayer clinics receiving funding under this section.''.

(5) NOTICE OF AVAILABILITY OF CLINICS IN NOTICE OF DEFICIENCY.—Subsection (a) of section 6212 (relating to general rule for notice of deficiency) is amended by inserting '', as well as notice regarding the availability of low-income taxpayer clinics and information about how to contact them'' before the period at the end.

(6) NOTICE OF AVAILABILITY OF CLINICS IN NOTICE OF HEARING UPON FILING OF NOTICE OF LIEN.—Subsection (a) of section 6320 (relating to requirement of notice) is amended by adding at the end the following new sentence: ''Such notice shall include a notice to the taxpayer of the availability of low-income taxpayer clinics and information about how to contact them.''.

(7) NOTICE OF AVAILABILITY OF CLINICS IN NOTICE AND OPPORTUNITY OF HEARING BEFORE LEVY.—Paragraph (3) of section 6330(a) is amended by adding at the end the following flush sentence:

''Such notice shall include a notice to the taxpayer of the availability of low-income taxpayer clinics and information about how to contact them.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

''Sec. 7526A. Volunteer income tax assistance plus.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. REGULATION OF FEDERAL INCOME TAX RETURN PREPARERS.

(a) IN GENERAL.—Section 330(a)(1) of title 31, United States Code, is amended by inserting ''(including tax return preparers of Federal tax returns, documents, and other submissions)'' after ''representatives''.

(b) PROMULGATION OF REGULATIONS.—The Secretary of the Treasury shall prescribe regulations under section 330 of title 31, United States Code, to regulate any tax return preparers not otherwise regulated by the Secretary.

(c) REQUIREMENTS.—Such regulations shall provide guidance on the following:

(1) EXAMINATION.—

(A) IN GENERAL.—In promulgating the regulations under paragraph (1), the Secretary shall approve and oversee eligibility examinations.

(B) 2 EXAMINATIONS.—One such examination shall be designed to test technical knowledge and competency to prepare individual returns, and the other examination shall be designed to test technical knowledge and competency to prepare business income tax returns.

(C) EITC.—The examination relating to individual returns shall test knowledge and competency regarding properly claiming the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

(D) ETHICS.—Both examinations under subparagraph (B) shall test knowledge regarding such ethical standards for the preparation of such returns as determined appropriate by the Secretary.

(E) GRANDFATHER.—The Secretary is authorized to accept an individual as meeting the eligibility examination requirement of this section if, in lieu of the eligibility examination under this section, the individual passed a State licensing or State registration program eligibility examination that the Secretary determines is comparable to either of the eligibility examinations described in subparagraph (B) if such exam is administered within 5 years after the date of the issuance of the regulations under this section.

(2) SUITABILITY STANDARDS.—The Secretary shall provide suitability standards for practicing as a tax return preparer, including tax compliance with the requirements of the Internal Revenue Code of 1986.

(3) CONTINUING ELIGIBILITY.—

(A) IN GENERAL.—The regulations under paragraph (1) shall require a renewal of eligibility every 3 years and shall set forth the manner in which a tax return preparer must renew such eligibility.

(B) CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS.—As part of the renewal of eligibility, such regulations shall require that each such tax return preparer show evidence of completion of such continuing education or testing requirements as specified by the Secretary.

(C) NONMONETARY SANCTIONS.—

(i) The regulations under this section shall provide for the denial, suspension or termination of such eligibility in the event of any failure to comply with the requirements promulgated hereunder.

(ii) Under such regulations, the Secretary shall establish procedures for the appeal of any determination under this paragraph.

(d) PENALTY FOR UNAUTHORIZED PREPARATION OF RETURNS.—

(1) IN GENERAL.—In promulgating the regulations pursuant to subsection (b), the Secretary shall impose a penalty of $1,000 for each Federal tax return, document, or other submission prepared by a tax return preparer

who is not in compliance with the regulations promulgated under this section or who is suspended or disbarred from practice before the Department of the Treasury under such regulations. Such penalty shall be in addition to any other penalty which may be imposed.

(2) EXCEPTION.—No penalty may be imposed under paragraph (1) with respect to any failure if it is shown that such failure is due to reasonable cause.

(e) DEFINITIONS.—For purposes of this section—

(1) TAX RETURN PREPARER.—The term ''tax return preparer'' has the meaning given by section 7701(a)(36) of the Internal Revenue Code of 1986, and includes any person requiring the purchase of services, a financial product or goods in lieu of or in addition to direct monetary payment.

(2) SECRETARY.—The terms ''Secretary of the Treasury'' and ''Secretary'' mean the Secretary of the Treasury or the delegate of the Secretary.

(f) PUBLIC AWARENESS CAMPAIGN.—The Secretary shall conduct a public information and consumer education campaign, utilizing paid advertising—

(1) to encourage taxpayers to use for Federal tax matters only professionals who establish their competency under the regulations promulgated under section 330 of title 31, United States Code, and

(2) to inform the public of the requirements that any compensated preparer of tax returns, documents, and submissions subject to the requirements under the regulations promulgated under such section must sign the return, document, or submission prepared for a fee and display notice of such preparer's compliance under such regulations.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall take effect on the date of the enactment of the Act.

(2) REGULATIONS.—The regulations required by section 330(d) of title 31, United States Code, shall be prescribed not later than 2 years after the date of the enactment of this Act.

(3) FULL IMPLEMENTATION.—The Secretary, taking into consideration the complexity and magnitude of the requirements set forth under this Act, may delay full implementation of the regulations promulgated herein not later than the fifth filing season after the enactment of this Act.

SEC. 203. REFUND DELIVERY PRODUCTS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions), as amended by section 101, is amended by adding at the end the following new section:

''SEC. 7530. REFUND DELIVERY PRODUCTS.

''(a) REGISTRATION.—

''(1) IN GENERAL.—The Secretary shall by regulation require each refund delivery product facilitator to register annually with the Secretary.

''(2) REGISTRATION REQUIREMENTS.—A registration shall under paragraph (1) shall include—

''(A) the name, address, and TIN of the refund delivery product facilitator, and

''(B) the fee schedule of the facilitator for the year.

''(3) DISPLAY OF REGISTRATION CERTIFICATE.—The certificate of registration under paragraph (1) shall be displayed in the facility of the refund delivery product facilitator in the manner required by the Secretary.

''(b) DISCLOSURE REQUIREMENTS.—

''(1) IN GENERAL.—Each refund delivery product facilitator registered with the Secretary shall be subject to the requirements of paragraphs (2) through (5).

''(2) TAXPAYER EDUCATION.—The requirements of this paragraph are that the refund delivery product facilitator makes available to consumers an informational pamphlet that—

''(A) sets forth options available for receiving tax refunds, presented from least expensive to most expensive, and

''(B) discusses short-term credit alternatives to utilizing refund delivery products.

''(3) NATURE OF THE TRANSACTION.—The requirements of this paragraph are that, at the time of application for the refund delivery product, the refund delivery product facilitator specifically state in writing—

''(A) in the case of a refund delivery product which is a refund loan—

''(i) that the applicant is applying for a loan based on the applicant's anticipated income tax refund,

''(ii) the expected time within which the loan will be paid to the applicant if such loan is approved, and

''(iii) that there is no guarantee that a refund will be paid in full or received within a specified time period, and that the applicant is responsible for the repayment of the loan even if the refund is not paid in full or has been delayed,

''(B) the time within which income tax refunds are typically paid based upon the different filing options available to the applicant, and

''(C) that the applicant may file an electronic return without applying for a refund delivery product and the fee for filing such an electronic return.

''(4) FEES, INTEREST AND AMOUNTS RECEIVED.—The requirements of this paragraph are that, at the time of application for the refund delivery product, the refund delivery product facilitator discloses to the applicant all amounts to be received in connection with a refund delivery product. Such disclosure shall include—

''(A) a copy of the fee schedule of the refund delivery product facilitator,

''(B) in the case of a refund delivery product which is a refund loan—

''(i) the typical fees and interest rates (using annual percentage rates as defined by section 107 of the Truth in Lending Act (15 U.S.C. 1606)) for several typical amounts of such loans and of other types of consumer credit, and

''(ii) that the loan may have substantial fees and interest charges that may exceed those of other sources of credit, and the applicant should carefully consider—

''(I) whether such a loan is appropriate for the applicant, and

''(II) other sources of credit,

''(C) typical fees and interest charges if a refund is not paid or delayed,

''(D) the amount of a fee (if any) that will be charged if the refund delivery product is not approved, and

''(E) administrative costs and any other amounts.

''(5) OTHER INFORMATION.—The requirements of this paragraph are that the refund delivery product facilitator discloses any other information required to be disclosed by the Secretary.

''(6) DISCLOSURE REQUIREMENT.—A disclosure under any of the preceding paragraphs of this subsection shall not be treated as meeting the requirements of the respective paragraph unless the disclosure is written in a manner calculated to be understood by the average consumer of refund delivery products and provides sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow the consumer to understand such options and credit alternatives.

''(c) PENALTY.—

''(1) IN GENERAL.—There is hereby imposed a penalty on any refund delivery product facilitator who fails to register with the Secretary pursuant to subsection (a) or fails to meet a disclosure requirement under subsection (b).

''(2) AMOUNT OF PENALTY.—The amount of the penalty imposed by paragraph (1) shall be the greater of—

''(A) $1,000, and

''(B) three times the amount of the refund loan, if applicable, and refund delivery product facilitator-determined fees charged with respect to each refund delivery product provided by the refund delivery product facilitator during the period in which the failure described in paragraph (1) occurred.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by paragraph (1) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(d) CONDUCT.—

''(1) RULES OF CONDUCT.—The Secretary shall prescribed rules of conduct for refund delivery product facilitators which are similar to the rules applicable to federally authorized tax practitioners (as defined by section 7525(a)(3)(A)) under part 10 of title 31, Code of Federal Regulations.

''(2) LIMITATION ON APPROVAL AS REFUND DELIVERY PRODUCT FACILITATOR.—For such period as the Secretary (in his discretion) determines reasonable, the Secretary may not register any person as a refund delivery product facilitator under subsection (a) who the Secretary determines has engaged in any conduct that would warrant disciplinary action under the rules of conduct prescribed under paragraph (1) or under part 10 of title 31, Code of Federal Regulations.

''(e) OTHER LIMITATIONS RELATING TO REFUND DELIVERY PRODUCTS.—In any case in which a taxpayer has consented to the release of the taxpayer's refund indicator to a refund delivery product facilitator, the Secretary may only provide information related to the refund indicator to a refund delivery product facilitator who is registered under subsection (a). For purposes of the preceding sentence, the term 'refund indicator' means a notification provided through a tax return's acknowledgment file regarding whether a refund will be paid. The Secretary may issue a refund indicator only after the Secretary determines that the taxpayer's refund would not be prevented by any provision of this title, including any provision relating to refund offset to repay debts for delinquent Federal or State taxes, student loans, child support, or other Federal agency debt, whether the taxpayer is claiming ineligible children for purposes of certain tax benefits, and whether the refund will be held pending a fraud investigation.

''(f) DEFINITIONS.—For purposes of this section—

''(1) REFUND DELIVERY PRODUCT FACILITATOR.—

''(A) IN GENERAL.—The term 'refund delivery product facilitator' includes any electronic filing service provider who—

''(i) solicits for, processes, receives, or accepts delivery of an application for a refund delivery product, or

''(ii) facilitates the making of a refund delivery product in any other manner.

''(B) ELECTRONIC FILING SERVICE PROVIDER.—The term 'electronic filing service provider' includes any person who is an electronic return originator, intermediate service provider, or transmitter.

''(C) ELECTRONIC RETURN ORIGINATOR.—The term 'electronic return originator' includes a person who originates the electronic submission of income tax returns for another person.

''(D) INTERMEDIATE SERVICE PROVIDER.—The term 'intermediate service provider' includes a person who assists with processing return information between an electronic return originator (or the taxpayer in the case of online filing) and a transmitter.

''(E) TRANSMITTER.—The term 'transmitter' includes a person who sends the electronic return data directly to the Internal Revenue Service.

''(2) REFUND DELIVERY PRODUCT.—The term 'refund delivery product' includes a refund loan and any other product sold to a taxpayer for a fee or any other thing of value for the purpose of receiving the taxpayer's anticipated federal tax refund.

''(3) REFUND LOAN.—The term 'refund loan' includes any loan of money or any other thing of value to a taxpayer in connection with the taxpayer's anticipated receipt of a Federal tax refund. Such term includes a loan secured by the tax refund or an arrangement to repay a loan from the tax refund.

''(g) REGULATIONS.—

''(1) IN GENERAL.—The Secretary may prescribe such regulations as necessary to carry out this subchapter.

''(2) BURDEN OF REGISTRATION.—In promulgating such regulations, the Secretary shall minimize the burden and cost on the registrant.''.

(b) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury shall conduct a public information and consumer education campaign, utilizing paid advertising, to educate the public on making sound financial decisions with respect to refund delivery products (as defined by section 7530 of the Internal Revenue Code of 1986), including—

(1) the need to compare the rates and fees of refund loans with the rates and fees of conventional loans,

(2) the need to compare the amount of money received under a refund delivery product after taking into consideration such costs and fees with the total amount of the refund, and

(3) where and how taxpayers may lodge complaints concerning refund delivery product facilitators.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7530. Refund delivery products.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of the Act.

(2) REGULATIONS.—The regulations required by section 7530(g) of the Internal Revenue Code of 1986 shall be prescribed not later than 2 years after the date of the enactment of this Act.

(3) FULL IMPLEMENTATION.—The Secretary of the Treasury, taking into consideration the complexity and magnitude of the requirements set forth under this Act, may delay full implementation of the regulations promulgated under such section not later than 5 years after the enactment of this Act.

SEC. 204. PREPARER PENALTIES WITH RESPECT TO PREPARATION OF RETURNS AND OTHER SUBMISSIONS.

(a) INCLUSION OF OTHER SUBMISSIONS IN PENALTY PROVISIONS.—

(1) UNDERSTATEMENT OF TAXPAYER'S LIABILITY.—

(A) IN GENERAL.—Section 6694 (relating to understatement of taxpayer's liability by tax return preparer) is amended by striking ''return or claim of refund'' each place it appears and inserting ''return, claim of refund, or other submission''.

(B) CONFORMING AMENDMENTS.—Section 6694, as amended by paragraph (1), is amended by striking ''return or claim'' each place it appears and inserting ''return, claim, or other submission''.

(2) OTHER ASSESSABLE PENALTIES.—

(A) IN GENERAL.—Section 6695 (relating to other assessable penalties with respect to the preparation of tax returns for other persons) is amended by striking ''return or claim of refund'' each place it appears and inserting ''return, claim of refund, or other submission''.

(B) CONFORMING AMENDMENTS.—Section 6695, as amended by paragraph (1), is amended by striking ''return or claim'' each place it appears and inserting ''return, claim, or other submission''.

(b) INCREASE IN CERTAIN OTHER ASSESSABLE PENALTY AMOUNTS.—

(1) IN GENERAL.—Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) are each amended by striking ''$50'' and inserting ''$1,000''.

(2) REMOVAL OF ANNUAL LIMITATION.—Subsections (a), (b), and (c) of section 6695 are each amended by striking the last sentence thereof.

(c) REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Subparagraph (A) of section 7803(d)(2) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) a summary of the penalties assessed and collected during the reporting period under sections 6694 and 6695 and under the regulations promulgated under section 330 of title 31, United States Code, and a review of the procedures by which violations are identified and penalties are assessed under those sections,''.

(d) ADDITIONAL CERTIFICATION ON DOCUMENTS OTHER THAN RETURNS.—

(1) IDENTIFYING NUMBER REQUIRED FOR ALL SUBMISSIONS TO THE IRS BY TAX RETURN PREPARERS.—The first sentence of paragraph (4) of section 6109(a) is amended by striking ''return or claim for refund'' and inserting ''return, claim for refund, or other document''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to documents filed after the date of the enactment of this Act.

(e) COORDINATION WITH SECTION 6060(a).—The Secretary of the Treasury shall coordinate the requirements under the regulations promulgated under section 330 of title 31, United States Code, with the return requirements of section 6060 of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The regulations required by this section shall be prescribed not later than one year after the date of the enactment of this Act.

SEC. 205. CLARIFICATION OF ENROLLED AGENT CREDENTIALS.

Section 330 of title 31, United States Code, as amended by section 202, is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

''(e) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.''.

TITLE III—IMPROVING TAXPAYER SERVICES

SEC. 301. INDIVIDUALIZED LIEN DETERMINATION REQUIRED BEFORE FILING NOTICE OF LIEN.

(a) IN GENERAL.—Section 6323 is amended by adding at the end the following new subsection:

''(k) LIEN DETERMINATION BEFORE FILING.—

''(1) IN GENERAL.—The Secretary shall not file a notice of lien before making an individualized lien determination.

''(2) LIEN DETERMINATION.—In making an individualized lien determination with respect to a taxpayer, the Secretary shall consider factors, including—

''(A) the amount due,

''(B) the lien filing fee,

''(C) the value of the taxpayer's equity in the property or right to property,

''(D) the taxpayer's tax compliance history,

''(E) extenuating circumstances, if any, that explain the delinquency, and

''(F) the effect of the filing on the taxpayer's ability to obtain financing, generate future income, and pay current and future tax liabilities.

''(3) SUPERVISORY REVIEW.—In any case in which—

''(A) collecting a liability through a lien imposed under section 6321 would create an economic hardship (within the meaning of section 6343(a)(1)(D)), or

''(B) the taxpayer does not have significant equity in property or right to property,

the Secretary shall not file a notice of lien unless the supervisor of the employee making the lien determination referenced in paragraph (2) also determines that the filing is necessary.

''(4) WITHDRAWAL OF LIEN.—A lien filed in violation of this subsection shall be withdrawn under subsection (j).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to liens filed after the date of the enactment of this Act.

SEC. 302. BAN ON AUDIT INSURANCE.

Section 330 of title 31, United States Code, as amended by sections 202 and 205, is amended by adding at the end the following new subsection:

''(g) BAN ON AUDIT INSURANCE.—No person admitted to practice before the Department of the Treasury may directly or indirectly offer or provide insurance or other form of indemnification or reimbursement to cover a taxpayers' assessment of federal tax, penalties, or interest.''.

SEC. 303. PUBLIC AWARENESS.

(a) IN GENERAL.—Section 6103(k) (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

''(10) DISCLOSURE OF RECOGNIZED, CERTIFIED, OR REGISTERED PERSONS; REVOCATION OF REGISTRATION.—The Secretary shall furnish to the public—

''(A) the identity of any person who—

''(i) is an enrolled agent or is an attorney or certified public accountant who either has a power of attorney on file with the Internal Revenue Service or notifies the Internal Revenue Service of their status as a preparer of Federal tax returns,

''(ii) is certified under section 330(d) of title 31, United States Code, as a tax return preparer, or

''(iii) is registered as a refund delivery product facilitator pursuant to section 7530, and

''(B) information as to whether or not any person who is otherwise suspended or disbarred is no longer so recognized, certified, or registered (as the case may be).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect not later than two years after the date of enactment of this Act.

SEC. 304. CLARIFICATION OF TAXPAYER ASSISTANCE ORDER AUTHORITY.

(a) IN GENERAL.—Paragraph (2) of section 7811(b) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) chapter 74 (relating to closing agreements and compromises),''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to orders issued after the date of the enactment of this Act.

SEC. 305. TAXPAYER ADVOCATE DIRECTIVES.

(a) IN GENERAL.—Subchapter A of chapter 80 is amended by inserting after section 7811 the following new section:

''SEC. 7811A. TAXPAYER ADVOCATE DIRECTIVES.

''(a) AUTHORITY TO ISSUE.—The National Taxpayer Advocate may issue a Taxpayer Advocate Directive to mandate administrative or procedural changes to improve the operation of a functional process or to grant relief to groups of taxpayers (or all taxpayers) if its implementation will protect the rights of taxpayers, prevent undue burden, ensure equitable treatment, or provide an essential service to taxpayers. A Taxpayer Advocate Directive may only be issued by the National Taxpayer Advocate. The terms of a Taxpayer Advocate Directive may require the Commissioner to implement it within a specified period of time.

''(b) AUTHORITY TO MODIFY OR RESCIND.—Any Taxpayer Advocate Directive may be modified or rescinded—

''(1) only by the National Taxpayer Advocate, the Commissioner of Internal Revenue, or the Deputy Commissioner of Internal Revenue, and

''(2) only if a written explanation of the reasons for the modification or rescission is provided to the National Taxpayer Advocate.''.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Clause (ii) of section 7803(c)(2)(B) is amended by redesignating subclauses (III) through (XI) as subclauses (IV) through (XII), respectively, and by inserting after subclause (II) the following new subclause:

''(III) contain Taxpayer Advocate Directives issued under section 7811A;''.

(2) CONFORMING AMENDMENTS.—Clause (ii) of section 7803(c)(2)(B), as amended by paragraph (1), is amended—

(A) by striking ''subclauses (I), (II), and (III)'' in subclauses (V), (VI), and (VII) thereof and inserting ''subclauses (I), (II), (III), and (IV)'', and

(B) in subclause (VIII)—

(i) by inserting ''or Taxpayer Advocate Directive'' after ''Taxpayer Assistance Order'', and

(ii) by inserting ''or 7811A(a)'' after ''section 7811(b)''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 80 is amended by inserting after the item relating to section 7811 the following new item:

''Sec. 7811A. Taxpayer advocate directives.''.

SEC. 306. IMPROVED SERVICES FOR TAXPAYERS.

(a) IN GENERAL.—It is the sense of Congress that the Internal Revenue Service should within 2 years—

(1) reduce the time between receipt of an electronically filed return and issuance of a refund,

(2) expand assistance to low-income taxpayers,

(3) allocate resources to assist low-income taxpayers in establishing accounts at financial institutions that receive direct deposits from the United States Treasury,

(4) deliver tax refunds on debit cards, prepaid cards, and other electronic means to assist individuals that do not have access to financial accounts or institutions,

(5) establish a pilot program for satellite walk-in centers to be located in rural underserved communities without easy access to Internal Revenue Service Taxpayer Assistance Centers by using office facilities currently occupied by the Federal government, including United States Postal Service and Social Security Administration facilities; such satellite walk-in centers should have the capability to provide video-conferencing services and scanning or other digitizing functions to deliver, in an interactive manner, all service and compliance functions currently available in Internal Revenue Service Taxpayer Assistance Centers, and

(6) establish a pilot program for mobile tax return preparation offices.

(b) LOCATION OF SERVICE.—

(1) IN GENERAL.—The mobile tax return filing offices should be located in communities that the Secretary determines have a high incidence of taxpayers claiming the earned income tax credit, particularly in locations with few community volunteer tax preparation clinics.

(2) INDIAN RESERVATION.—At least one mobile tax return filing office should be on or near an Indian reservation (as defined in section 168(j)(6) of the Internal Revenue Code of 1986).

SEC. 307. TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury may award demonstration project grants (including multiyear awards) to eligible entities to provide accounts to individuals who currently do not have an account with a financial institution. The account would be held in a federally insured depository institution.

(b) PRIORITY.—Priority shall be given to demonstration project proposals that provide accounts at low or no cost and—

(1) that utilize new technologies such as the prepaid product to expand access to financial services, in particular for persons without bank accounts, with low access to financial services, or low utilization of mainstream financial services,

(2) that promote the development of new financial products and services that are adequate to improve access to wealth building financial services, which help integrate more Americans into the financial mainstream,

(3) that promote education for these persons and depository institutions concerning the availability and use of financial services for and by such persons, and

(4) that include other such activities and projects as the Secretary may determine are consistent with the purpose of this section.

(c) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization,

(H) an organization described in 501(c)(5), and exempt from tax under section 501(a), of such Code,

(I) a nonbank financial service provider, or

(J) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) DEFINITIONS.—For purposes of this section—

(A) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' means any organization that has been certified as such pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(C) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has as a primary and stated purpose the provision of services to Native Hawaiians.

(E) LABOR ORGANIZATION.—The term ''labor organization'' means an organization—

(i) in which employees participate,

(ii) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and

(iii) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(F) NONBANK FINANCIAL SERVICE PROVIDER.—The term ''nonbank financial service provider'' mean an entity that engages in financial services activities, as authorized under the Federal Reserve Board, 12 Code of Federal Regulations Part 225, Regulation Y.

(d) APPLICATION.—An eligible entity shall submit an application to the Secretary of the Treasury in such form and containing such information as the Secretary may require.

(e) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this section, the Secretary of the Treasury shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(f) POWER AND AUTHORITY OF THE SECRETARY.—

(1) ASSISTANCE.—Subject to appropriations, the Secretary of the Treasury may provide financial and technical assistance to awardees for expanding the distribution of financial services, including through financial services electronic networks.

(2) RESEARCH AND DEVELOPMENT.—The Secretary of the Treasury may conduct or support such research and development as the Secretary considers appropriate in order to further the purpose of this section, including the collection of information about access to financial services.

(3) REGULATIONS.—The Secretary of the Treasury is authorized to promulgate regulations to implement and administer the program under this section.

(g) STUDY ON DELIVERY OF TAX REFUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study on the feasibility of delivering tax refunds on debit cards, prepaid cards, and other electronic means to assist individuals that do not have access to financial accounts or institutions.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the results of the study conducted under paragraph (1).

SEC. 308. ADDITIONAL STUDIES.

(a) STUDY ON ACCELERATED PROCESSING OF INFORMATION RETURNS.—

(1) FINDINGS.—Congress finds the following:

(A) Under current procedures, the Internal Revenue Service processes income tax returns before it processes most information returns, including Forms W-2, which report wages and tax withholding, and Forms 1099, which report interest, dividends, and other payments.

(B) The sequence described in subparagraph (A) makes little logical sense.

(C) From a taxpayer perspective, the sequence leads to millions of cases where taxpayers inadvertently make overclaims that the Internal Revenue Service does not identify until months later, exposing the taxpayer not only to a tax liability but to penalties and interest charges as well.

(D) From the Federal Government's perspective, this sequence creates opportunities for fraud and requires the Internal Revenue Service to devote resources to recovering refunds that should not have been paid and that it often cannot recover.

(2) STUDY.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study to identify and recommend legislative and administrative changes that would enable the Internal Revenue Service to receive and process information reporting documents before it processes tax returns. In conducting the study, the Secretary shall consider, among other factors, the issues identified in the National Taxpayer Advocate's 2009 Annual Report to Congress.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress describing the results of the study conducted under paragraph (2).

(b) STUDY ON THE EFFECTIVENESS OF COLLECTION ALTERNATIVES.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study to assess the effectiveness of collection alternatives, especially offers in compromise, on long-term tax compliance. Such a study shall analyze a group of taxpayers who applied for offers in compromise 5 or more years ago and compare the amount of revenue collected from the taxpayers whose offers were accepted with the amount of revenue collected from the taxpayers whose offers were rejected, and compare, among the taxpayers whose offers were rejected, the amount they offered with the amounts collected.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the results of the study conducted under paragraph (1).

By Mr. GRASSLEY:

S. 3216. A bill to amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, to ensure equitable reimbursement under the Medicare program for all rural States, and to eliminate sweetheart deals for frontier States; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Medicare's payment system for physicians is flawed in many ways. One of those flaws has for many years given unfairly low payments to high quality areas like my own home state of Iowa and many other rural States. The new health care reform law makes some much-needed changes in that regard.

The legislation I am introducing today makes additional improvements in addressing unfair geographic disparities in payment. It is intended to provide more equitable rural health payments and improve rural access to care for all rural states.

As many of you know, Medicare payment varies from one area to another based on the geographic adjustments known as the Geographic Practice Cost Indices or GPCIs. These geographic adjustments are intended to equalize physician payment by reflecting differences in physician's practice costs.

But they do not accurately represent those costs in Iowa or other rural states. They have been a dismal failure in fact. They discourage physicians from practicing in rural areas like New Mexico, Arkansas, Missouri, and Iowa because they create such unfairly low Medicare rates.

I introduced legislation in the last Congress, and again last year, to correct these unwarranted payment disparities. Last fall, I offered an amendment in the Senate Finance Committee mark up of health reform legislation to reform the inequitable formula that has caused these unduly low payments.

My amendment provided more equity and accuracy in calculating this adjustment, and it provided a national solution to the problem. It was accepted unanimously by the Senate Finance Committee, and it was included in the Senate health reform bill, the Patient Protection and Affordable Care Act, that was signed into law.

But, unfortunately, the rural equity that would be achieved by that amendment has been endangered by another sweetheart deal that was added to the Senate health care reform bill that is now the law.

This special deal was added behind closed doors, that is, the closed doors of the majority leader. This special deal addresses geographic disparities but it helps just five states at the expense of the other 45 states.

It was included in the Senate health reform bill for two Democratic Senators from so-called ''frontier states.'' It's what I call the ''Frontier Freeloader.''

The Frontier Freeloader provision improves Medicare reimbursement in so-called frontier states by establishing floors for the hospital wage index and the physician practice expense GPCI.

A frontier state is defined as one with 50 percent or more frontier counties, defined as counties with a population per square mile of less than six.

The Frontier Freeloader deal ensures that higher payments go to just five states—North Dakota, South Dakota, Montana, Wyoming and Utah—at the expense of every other state.

It is another example of how the deals made behind closed doors to garner votes led to bad policies, like the Cornhusker Kickback, the Louisiana Purchase, and the Florida Gator-aid.

Now we have the Frontier Freeloader deal that became law when the President signed the health care reform bill.

Iowa provides some of the highest quality care in the country but it does not meet the definition of a frontier state. Certainly Iowa should have been helped since Medicare reimbursement for hospitals and physicians is lower in Iowa than in most of these so-called ''frontier'' states.

Medicare also pays much lower rates in other rural states, like Arkansas and New Mexico, but they don't benefit from the Frontier Freeloader because they don't meet the definition of a frontier state.

The Frontier Freeloader is even more egregious because Iowa—and other States like Arkansas and New Mexico that don't benefit—are paying for it! So, taxpayers in your state and mine—all the other 45 states—will kick in to pay the bill for these five states. And that's just the cost for the next few years.

This sweetheart deal is not time-limited. The Frontier Freeloader that benefits these five states continues forever while taxpayers in your State and mine—the other 45—continue to pay the bills.

The bill I am introducing today would repeal the Frontier Freeloader sweetheart deal.

We should improve physician payments for all rural states, not just a select few. It is unfair to improve hospital payments for just a few states. This bill would eliminate those special payment deals for just 5 States.

It would also improve physician payments for all rural states during the transition to more accurate data.

The new health care reform law requires the Secretary of Health and Human Services to limit the impact of the current unfair adjustments to ½ of the current adjustment in 2010 and 2011. This bill would use some of the funds saved by repealing the frontier states deal to increase physician payments more in rural states next year.

That would mean higher payments for all rural States, not higher payments for just a few States.

Finally, the bill makes it clear that a side agreement reportedly made between House members and the Secretary of Health and Human Services for an Institute of Medicine study cannot interfere with the legislative changes to the geographic adjustment for physician practice expense that are now law.

My amendment in the Senate bill that became law improves the data that the government uses to calculate geographic physician practice costs.

The House health care reform bill called for a study by the Institute of Medicine to make recommendations on geographic disparities.

It is unclear what agreement was made between Secretary Sebelius and the House, since it was another backroom deal. It is also unclear what advantage it holds for rural health care equity for beneficiaries and physicians.

My amendment that is now the law requires Medicare officials to use accurate data.

The legislation that I am introducing today would ensure that the agreement

House members made with Secretary Sebelius—that somehow accompanies the House health-care reconciliation bill—cannot undo the actual legislative fix in the Senate health care bill that is now law.

If the Institute of Medicine comes up with different data or makes recommendations that are not consistent with the requirements for the geographic adjustments that are now law, we could be back where we started, or even worse off. So this legislation would ensure that HHS follows the legislative improvements just enacted to require more accurate data for calculating these geographic adjustments.

To summarize, the bill does three main things:

First, it eliminates the unfair $2 billion Frontier Freeloader carve-out for 5 States that ends up harming all the other rural States. As I said earlier, that extra spending would continue forever if the Frontier Freeloader is allowed to take effect.

Second, the bill helps provide greater rural health care access and payment equity in a way that is fair to all taxpayers and states.

It would provide additional payments for physicians in all rural States during the transition.

Finally, the bill would ensure that Medicare officials use accurate data to calculate geographic adjustments as now required by the new health care reform law.

This legislation helps ensure that seniors in all of rural America continue to have access to needed health care.

It ensures rural health care equity nationwide.

By Mr. CONRAD (for himself and Mr. SESSIONS):

S. 3218. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, the trafficking and use of illegal drugs is an ongoing challenge in our Nation. It is incumbent upon the Government to seek to prevent the flow of drugs into the country, and limit the availability of drugs on our streets and in our communities. It is for that purpose that I introduce the Drug Trafficking Safe Harbor Elimination Act of 2010 with Senator SESSIONS.

This bill will close a loophole that could allow drug traffickers, under certain circumstances, to operate with impunity in the United States. In United States v. Lopez-Vanegas, the Eleventh Circuit Court of Appeals held that where the object of a conspiracy is to possess controlled substances outside the United States with the intent to distribute outside the United States, there is no violation of U.S. law, even if the conspiracy, including meetings, negotiations, and arrangements to execute the drug transaction, occurs on U.S. soil.

Although a particular conspiracy may not be intended to bring illegal drugs into the U.S., the same traffickers could very well act to bring drugs across our own borders as their next crime. If we have a chance to prosecute such criminals, we should do so.

In the Lopez-Vanegas case, the court stated that the statute relied upon by Federal prosecutors could not be extended to conspiracies to act outside of the U.S. because Congress had not expressed its intention for the statute to be applied in such a manner. This legislation provides Congress an opportunity to clarify its position.

While the binding effect of the Lopez-Vanegas case is now limited to the Eleventh Circuit, it may influence other federal jurisdictions to issue similar decisions. A wide-scale adoption of the reasoning in this case could establish the United States as a safe haven for international drug cartels, damage our relationships with the law enforcement authorities of other nations, and hinder global coordination to combat drug trafficking. Further, the profits and operational capacities generated by extraterritorial drug transactions could very well bolster the ability of drug cartels to distribute drugs in the United States in the future. For these reasons, it is important to close this loophole and give law enforcement the ability to prosecute all drug trafficking conspiracies conducted in the United States.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 3219. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, three weeks ago, the Senate passed significant student loan reform. It turns out that for the past several decades, we have been paying banks $6 billion per year to be the middle men in our student loan system. The bill we passed puts a stop to that. Instead of lining the pockets of bankers like Al Lord at Sallie Mae, we will originate all Federal student loans through the Direct Loan Program and we will invest the savings, $68 billion, in education priorities. We put $36 billion into Pell Grants to increase the grant size and tie it to inflation. We also capped monthly student loan payments at 10 percent of discretionary income to help ease repayment for students in public service careers. We invested in historically black colleges and universities, minority serving institutions, community colleges, and state-based college access programs that help students succeed in college. These reforms are essential in helping students afford a college education.

Today, along with Senator FRANKEN and Senator WHITEHOUSE, I am introducing a bill that will take an additional step in restoring fairness in student lending by treating privately issued student loans in bankruptcy the same way other types of private debt are treated. Our bill, the Fairness for Struggling Students Act, will allow borrowers of private student loans to discharge those loans in bankruptcy. Representatives COHEN and DAVIS are introducing a similar bill in the House.

Federally issued or guaranteed student loans have been protected during personal bankruptcy since 1978. This is a good law that protects Federal investments in higher education. In 2005, a provision was added to law to protect the investments of private lenders that extend private credit—not federally guaranteed student loans—to students. With the 2005 protections in place, there is virtually no risk to lenders making high-cost private loans to students at schools with low graduation rates and even lower job placement rates. So the industry has boomed over the past decade. Private student loan volume last year was $11 billion.

But there is plenty of risk for student borrowers. The interest rates and fees on private loans can be as onerous as credit cards. There are reports of private loans with variable interest rates reaching 18 percent. Unlike Federal student loans, the Government does not impose loan limits on private loans and does not regulate the terms or cost of these loans. Some students who take out these loans find themselves trapped under an enormous amount of debt that they cannot escape.

Today, I am pleased to introduce a bill that will give students who find themselves in dire financial straits a chance at a new beginning. My bill restores the bankruptcy law, as it pertains to private student loans, back to where it was before the law was amended in 2005. Under this legislation, privately issued student loans will once again be dischargeable in bankruptcy. My bill also clarifies that the remaining protections are specific to loans that were issued by or are guaranteed by State and Federal Government.

Three weeks ago we ended the ability of lenders and banks to make risk-free federal loans to students. It is time to also end the risk-free nature of private student loans and restore fairness for student borrowers.

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. 3219

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 ''Fairness for Struggling Students Act of 2010''.

SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a)(8) of title 11, United States Code, is amended by striking ''dependents, for'' and all that follows through the end of subparagraph (B) and inserting ''dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 483—CONGRATULATING THE REPUBLIC OF SERBIA'S APPLICATION FOR EUROPEAN UNION MEMBERSHIP AND RECOGNIZING SERBIA'S ACTIVE EFFORTS TO INTEGRATE INTO EUROPE AND THE GLOBAL COMMUNITY

Mr. VOINOVICH (for himself, Mr. KERRY, Mr. LUGAR, Mrs. SHAHEEN, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 483

Whereas the United States has been a strong supporter of the European Union (EU);

Whereas the year 2010 marks a full decade of efforts of the Government of Serbia to reintegrate into Europe and the global community;

Whereas, on November 30, 2009, the EU decided that the citizens of ''Serbia will be able to travel without visa to the Schengen area'' permitting the greater integration of Serbia into Europe;

Whereas a democratically elected Government of Serbia has committed to resolving regional disagreements through diplomacy and the tenets of international law;

Whereas, on April 29, 2008, the EU and Serbia signed a Stabilization and Association Agreement, which considered ''the EU's readiness to integrate Serbia to the fullest extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership'';

Whereas, on June 21, 2003, the EU stated in the Summit Declaration of the EU-Western Balkans summit at Thessaloniki that ''the future of the Balkans is within the EU'' and that the countries of the Western Balkans' ''rapprochement with the EU will go hand in hand with the development of regional co-operation'';

Whereas the United States Government has supported the diplomatic efforts of the Government of Serbia to reintegrate into the global community, including a visit by Vice President Joseph Biden in May 2009; and

Whereas the United States Government has long viewed the EU as a source of stabilization, security, and prosperity for all of Europe and the world: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the people of Serbia for furthering their commitment to democracy, free markets, tolerance, nondiscrimination, and the rule of law;

(2) urges the European Council to adopt in a timely manner a clear position on Serbia's qualifications as a candidate country;

(3) welcomes the decision of the democratically elected Government of Serbia to join the NATO Partnership for Peace Program in 2006;

(4) recognizes the cooperation of the Government of Serbia with the United States Government on issues such as democratization, anti-drug trafficking, anti-terrorism, human rights, regional cooperation, and trade;

(5) strongly urges the Government of Serbia to intensify efforts to capture and transfer at-large indictees Goran Hadzic and Ratko Mladic to the International Criminal Tribunal for the former Yugoslavia and otherwise to fully cooperate with the Tribunal; and

(6) encourages the European Union to also remain actively engaged with all countries in the Western Balkans regarding their aspirations for European integration.

SENATE RESOLUTION 484—DESIGNATING THE WEEK OF MAY 16 THROUGH MAY 22, 2010, AS ''NATIONAL PUBLIC WORKS WEEK''

Mrs. BOXER (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States;

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States; and

Whereas 2010 marks the 50th anniversary of ''National Public Works Week'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 16 through May 22, 2010, as ''National Public Works Week'';

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

SENATE RESOLUTION 485—DESIGNATING APRIL 2010 AS ''FINANCIAL LITERACY MONTH''

Mr. AKAKA (for himself and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 485

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 41 percent of adults in the United States, or more than 92,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,410,000 in 2009, a 32 percent increase from 2008 and the highest number since 2005;

Whereas the 2009 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that the percentage of workers who were ''very confident'' about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008 to 13 percent in 2009, the lowest since the question was first asked in the survey in 1993, and representing a 50 percent decline in worker confidence since 2007;

Whereas according to a 2009 ''Flow of Funds'' report by the Federal Reserve, household debt stood at $13,600,000,000,000;

Whereas according to the Department of Labor, only 43 percent of people in the United States have calculated how much they need to save for retirement;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 26 percent, or more than 58,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, ⅓ of adults in the United States, approximately 72,000,000 adults, report that they have no savings and only 23 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, less than ½ of adults keep close track of their spending, and nearly 16,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas the number of adults keeping close track of their spending has not improved since 2007;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 486—SUPPORTING THE MISSION AND GOALS OF THE 2010 NATIONAL CRIME VICTIMS' RIGHTS WEEK TO INCREASE PUBLIC AWARENESS OF THE RIGHTS, NEEDS, AND CONCERNS OF VICTIMS AND SURVIVORS OF CRIME IN THE UNITED STATES, NO MATTER THE COUNTRY OF ORIGIN OR CREED OF THE VICTIM, AND TO COMMEMORATE THE NATIONAL CRIME VICTIMS' RIGHTS WEEK THEME REFERRED TO AS ''CRIME VICTIMS' RIGHTS: FAIRNESS. DIGNITY. RESPECT.''

Mr. SCHUMER (for himself and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 486

Whereas more than 25,000,000 individuals in the United States are victims of crime each year, including more than 6,000,000 individuals who are victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, neighborhoods, and communities by ensuring that rights, resources, and services are available to help rebuild the lives of the victims;

Whereas, although the United States has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of the expanded rights, protections, and services;

Whereas, despite impressive accomplishments realized during the past 40 years in crime victims' rights and services, there remain many challenges to ensuring that all victims are—

(1) treated with fairness, dignity, and respect;

(2) offered support and services regardless of whether the victims report the crimes committed against them to law enforcement; and

(3) recognized as key participants in the systems of justice in the United States when the crimes are reported;

Whereas the systems of justice in the United States should ensure that services are available for all victims of crime, including victims from underserved communities of the United States;

Whereas observing the rights of victims and treating victims with fairness, dignity, and respect serve the public interest by—

(1) engaging victims in the justice system;

(2) inspiring respect for public authorities; and

(3) promoting confidence in public safety;

Whereas individuals in the United States recognize that homes, neighborhoods, and communities are made safer and stronger by identifying and meeting the needs of crime victims and ensuring justice for all;

Whereas treating victims of crime with fairness, dignity, and respect, as encouraged and expressed through the 2010 National Crime Victims' Rights Week theme referred to as ''Crime Victims' Rights: Fairness. Dignity. Respect.''—

(1) costs nothing more than taking time to identify the needs and concerns of victims; and

(2) requires effective collaboration among justice systems to meet the needs and concerns of victims; and

Whereas the 2010 National Crime Victims' Rights Week, which is observed during the week of April 18 through April 24, 2010, provides an opportunity for the systems of justice in the United States to strive to reach the goal of justice for all by ensuring that victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission and goals of the 2010 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of victims and survivors of crime; and

(2) recognizes that fairness, dignity, and respect comprise the very foundation of the manner in which victims and survivors of crime should be treated.

SENATE RESOLUTION 487—HONORING THE COAL MINERS WHO PERISHED IN THE UPPER BIG BRANCH MINE-SOUTH IN RALEIGH COUNTY, WEST VIRGINIA, EXTENDING THE CONDOLENCES OF THE UNITED STATES SENATE TO THE FAMILIES OF THE FALLEN COAL MINERS, AND RECOGNIZING THE VALIANT EFFORTS OF THE EMERGENCY RESPONSE WORKERS

Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. HARKIN, Mr. ENZI, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, 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. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, 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. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, 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. 487

Whereas coal mining is a time-honored profession;

Whereas coal miners and the families of coal miners have shaped the rich history and culture of the State of West Virginia and the United States;

Whereas the United States is greatly indebted to coal miners for the difficult and dangerous work performed by coal miners to provide the fuel necessary to keep the United States strong and secure;

Whereas the United States has long recognized the importance of health and safety protections for coal miners laboring in extreme and dangerous conditions;

Whereas accidents in coal mines have repeatedly taken the lives of coal miners;

Whereas, following an explosion on April 5, 2010, 29 coal miners from the State of West Virginia tragically perished in the Upper Big Branch Mine-South;

Whereas the explosion at the Upper Big Branch Mine-South was the worst coal mining disaster in the United States during the 40 years prior to the date of the agreement to this resolution;

Whereas Federal, State, and local rescue crews worked tirelessly in a courageous rescue and recovery effort after the explosion;

Whereas the families of the fallen coal miners have suffered an immeasurable loss; and

Whereas residents of Raleigh County and the State of West Virginia came together to support the families of the fallen coal miners: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the ultimate sacrifice made by the 29 coal miners lost at the Upper Big Branch Mine-South in Raleigh County, West Virginia;

(2) extends the deepest condolences of the United States Senate to the families of the fallen coal miners;

(3) honors the survivors of the tragedy;

(4) recognizes all coal miners for—

(A) enduring the immeasurable loss of coworkers; and

(B) maintaining courage in the aftermath of the explosion at the Upper Big Branch Mine-South;

(5) commends the valiant efforts of the emergency response workers searching for the missing coal miners after the explosion; and

(6) honors the many volunteers who provided support and comfort for the families of the missing coal miners during the rescue and recovery operations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3728. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3728. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Continuing Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''June 2, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''JUNE 2, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''April 5, 2010'' and inserting ''June 2, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''JUNE 2, 2010''; and

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''December 7, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''June 2, 2010''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111–144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''May 31, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by adding at the end the following:

''(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended—

(1) in subparagraph (A), by striking ''March 31, 2010'' and inserting ''May 31, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''June 1, 2010''.

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''May 31, 2010''.

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 8 of Public Law 111–144, is amended by striking ''by substituting'' and all that follows through the period at the end and inserting ''by substituting May 31, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''April 30, 2010'' and inserting ''May 31, 2010''; and

(B) in subsection (e), by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''April 30, 2010'', and inserting ''May 31, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''April 30, 2010'' and inserting ''May 31, 2010''; and

(2) in paragraph (3)(C), by striking ''May 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''June 1, 2010''.

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $80,000,000, for an additional amount for ''Small Business Administration—Business Loans Program Account'', to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

SEC. 12. SEQUESTRATION IF NET INCREASE TO DEFICIT IS NOT OFFSET WITHIN 90 DAYS.

(a) SEQUESTRATION ORDER.—Not later than 90 days after the date of the enactment of the Act, the Office of Management and Budget shall prepare and the President shall issue a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset the net increase in the Federal budget deficit from fiscal years 2010 through 2020 caused by the enactment of this Act and any subsequent amendments to this Act enacted within 90 days of the date of the enactment of this Act. The Office of Management and Budget shall transmit the order and a report on the order to the House of Representatives and the Senate. If the President issues a sequestration order, the report accompanying the order shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

(b) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—

(1) IN GENERAL.—The Office of Management and Budget shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (c), shall offset the increase in the deficit, if any, caused by the enactment of this Act and subsequent amendments to this Act enacted within 90 days of the date of the enactment of this Act.

(2) PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.—Subject to an exception for Medicare and the exemptions set forth in section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985, the Office of Management and Budget shall determine the uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(c) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets the impact of this Act on the Federal budget deficit, the Office of Management and Budget shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of Balanced Budget and Emergency Deficit Control Act of 1985, reduces outlays in the budget year and the subsequent fiscal year; and

(2) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

SEC. 13. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.—

(1) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting ''the date services for remuneration were first performed by the employee,'' after ''of the employee,''.

(2) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting '', to the extent practicable,'' after ''Each report required by subsection (b) shall''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.—

(1) PERMANENT EXTENSION.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986 is amended by striking paragraph (8).

(2) COLLECTION IN ALL STATES.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) COLLECTION FOR REASONS OTHER THAN FRAUD.—

(A) IN GENERAL.—Paragraph (4) of section 6402(f) of such Code, as redesignated by paragraph (2), is amended by striking ''due to fraud'' each place it appears.

(B) CONFORMING AMENDMENTS.—Section 6402(f) of such Code is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking ''or due to fraud'' in subparagraph (B), and

(II) by striking ''and due to fraud'' in subparagraph (C), and

(ii) in the heading, by striking ''RESULTING FROM FRAUD''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 15, 2010, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on April 15, 2010, at 9:30 a.m. to conduct a hearing entitled ''Legislative Proposals in the Department of Housing and Urban Development's FY 2011 Budget Request''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''ESEA Reauthorization: Teachers and Leaders'' on April 15, 2010. The hearing will commence at 10 a.m. in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Filing Season Update: Current IRS Issues.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 15, 2010, at 11 a.m., to hold an East Asian Affairs subcommittee hearing entitled ''US-Japan Relations.''

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate, on April 15, 2010, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m. to conduct a hearing entitled ''Assessing Access: Obstacles and Opportunities for Minority Small Business Owners in Today's Capital Markets.''

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

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 15, 2010, at 2:30 p.m. to conduct a hearing entitled, ''Contracts for Afghan National Police Training.''

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 April 15, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on April 15, 2010, at 2 p.m.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

NATIONAL PUBLIC WORKS WEEK

FINANCIAL LITERACY MONTH

SUPPORTING THE MISSION AND GOALS OF THE 2010 NATIONAL CRIME VICTIMS' RIGHTS WEEK

HONORING COAL MINERS WHO PERISHED IN THE UPPER BIG BRANCH MINE-SOUTH IN RALEIGH COUNTY, WEST VIRGINIA

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 484, S. Res. 485, S. Res. 486, and S. Res. 487.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions (S. Res. 484, S. Res. 485, S. Res. 486, and S. Res. 487) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 484

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States;

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States; and

Whereas 2010 marks the 50th anniversary of ''National Public Works Week'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 16 through May 22, 2010, as ''National Public Works Week'';

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

S. RES. 485

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 41 percent of adults in the United States, or more than 92,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,410,000 in 2009, a 32 percent increase from 2008 and the highest number since 2005;

Whereas the 2009 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that the percentage of workers who were ''very confident'' about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008 to 13 percent in 2009, the lowest since the question was first asked in the survey in 1993, and representing a 50 percent decline in worker confidence since 2007;

Whereas according to a 2009 ''Flow of Funds'' report by the Federal Reserve, household debt stood at $13,600,000,000,000;

Whereas according to the Department of Labor, only 43 percent of people in the United States have calculated how much they need to save for retirement;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 26 percent, or more than 58,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, ⅓ of adults in the United States, approximately 72,000,000 adults, report that they have no savings and only 23 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, less than ½ of adults keep close track of their spending, and nearly 16,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas the number of adults keeping close track of their spending has not improved since 2007;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

S. RES. 486

Whereas more than 25,000,000 individuals in the United States are victims of crime each year, including more than 6,000,000 individuals who are victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, neighborhoods, and communities by ensuring that rights, resources, and services are available to help rebuild the lives of the victims;

Whereas, although the United States has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of the expanded rights, protections, and services;

Whereas, despite impressive accomplishments realized during the past 40 years in crime victims' rights and services, there remain many challenges to ensuring that all victims are—

(1) treated with fairness, dignity, and respect;

(2) offered support and services regardless of whether the victims report the crimes committed against them to law enforcement; and

(3) recognized as key participants in the systems of justice in the United States when the crimes are reported;

Whereas the systems of justice in the United States should ensure that services are available for all victims of crime, including victims from underserved communities of the United States;

Whereas observing the rights of victims and treating victims with fairness, dignity, and respect serve the public interest by—

(1) engaging victims in the justice system;

(2) inspiring respect for public authorities; and

(3) promoting confidence in public safety;

Whereas individuals in the United States recognize that homes, neighborhoods, and communities are made safer and stronger by identifying and meeting the needs of crime victims and ensuring justice for all;

Whereas treating victims of crime with fairness, dignity, and respect, as encouraged and expressed through the 2010 National Crime Victims' Rights Week theme referred to as ''Crime Victims' Rights: Fairness. Dignity. Respect.''—

(1) costs nothing more than taking time to identify the needs and concerns of victims; and

(2) requires effective collaboration among justice systems to meet the needs and concerns of victims; and

Whereas the 2010 National Crime Victims' Rights Week, which is observed during the week of April 18 through April 24, 2010, provides an opportunity for the systems of justice in the United States to strive to reach the goal of justice for all by ensuring that victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission and goals of the 2010 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of victims and survivors of crime; and

(2) recognizes that fairness, dignity, and respect comprise the very foundation of the manner in which victims and survivors of crime should be treated.

S. RES. 487

Whereas coal mining is a time-honored profession;

Whereas coal miners and the families of coal miners have shaped the rich history and culture of the State of West Virginia and the United States;

Whereas the United States is greatly indebted to coal miners for the difficult and dangerous work performed by coal miners to provide the fuel necessary to keep the United States strong and secure;

Whereas the United States has long recognized the importance of health and safety protections for coal miners laboring in extreme and dangerous conditions;

Whereas accidents in coal mines have repeatedly taken the lives of coal miners;

Whereas, following an explosion on April 5, 2010, 29 coal miners from the State of West Virginia tragically perished in the Upper Big Branch Mine-South;

Whereas the explosion at the Upper Big Branch Mine-South was the worst coal mining disaster in the United States during the 40 years prior to the date of the agreement to this resolution;

Whereas Federal, State, and local rescue crews worked tirelessly in a courageous rescue and recovery effort after the explosion;

Whereas the families of the fallen coal miners have suffered an immeasurable loss; and

Whereas residents of Raleigh County and the State of West Virginia came together to support the families of the fallen coal miners: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the ultimate sacrifice made by the 29 coal miners lost at the Upper Big Branch Mine-South in Raleigh County, West Virginia;

(2) extends the deepest condolences of the United States Senate to the families of the fallen coal miners;

(3) honors the survivors of the tragedy;

(4) recognizes all coal miners for—

(A) enduring the immeasurable loss of coworkers; and

(B) maintaining courage in the aftermath of the explosion at the Upper Big Branch Mine-South;

(5) commends the valiant efforts of the emergency response workers searching for the missing coal miners after the explosion; and

(6) honors the many volunteers who provided support and comfort for the families of the missing coal miners during the rescue and recovery operations.

FINANCIAL LITERACY MONTH

Mr. AKAKA. Mr. President, I am pleased that the Senate has once again passed a resolution designating April as Financial Literacy Month. I thank my cosponsors, Senators ENZI, DODD, CRAPO, JOHNSON, CORKER, SCHUMER, COCHRAN, MENENDEZ, WICKER, KOHL, MERKLEY, INOUYE, DURBIN, BAUCUS, MURRAY, LINCOLN, BEGICH, GILLIBRAND, FEINGOLD, LEVIN, CARPER, CARDIN, STABENOW, and HAGAN. I am glad to work once again with my colleagues in a bipartisan manner to promote financial and economic literacy for all Americans.

This tax day I want to recognize those organizations that gathered information on the status of financial literacy in our country. This includes the Jumpstart Coalition for Personal Financial Literacy's survey of high school seniors and the Employee Benefit Research Institute's Retirement Confidence Survey. These surveys present deeply troubling figures that underscore the need for increased financial literacy. The financial literacy of high school students has fallen to its lowest level ever, with a score of just 48.3 percent. Also, the percentage of workers who were ''very confident'' about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008 to 13 percent in 2009, the lowest since the question was first asked in the survey in 1993, and representing a 50 percent decline in worker confidence since 2007. There is still much work to do in properly educating America's youth on basic personal financial management skills.

In addition, last year the Federal Reserve noted that household debt in the United States stood at $13.6 trillion. The 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling found that less than half of all adults keep close track of their spending, and nearly 16 million adults do not monitor their overall spending and do not know how much they spend on food, housing, and entertainment. With regard to retirement planning, the U.S. Department of Labor noted that only 43 percent of people in the United States have calculated how much they need to save for retirement. These findings suggest a serious problem underscored by the fact that most workers have not calculated how much they need to save for retirement, even if they believe they are behind schedule in their retirement.

Increased financial and economic literacy can help people navigate around the countless pitfalls found in the marketplace. A significant step occurred with the passage of the Credit Card Accountability Responsibility and Disclosure Act of 2009. The Act requires credit card companies to disclose information about the impact of making only the minimum monthly payment. This includes how long it will take to repay a credit card and the extra amount in interest that must be paid when only the minimum payment is made. This easily-found information will allow consumers to become more aware of their financial situation and enable them to make better financial choices.

Our resolution designates April 2010 as Financial Literacy Month and highlights the need to promote financial literacy. I am pleased by efforts underway to promote financial and economic education and wish to highlight a few examples. Here in Washington, the Jumpstart Coalition for Personal Financial Literacy is holding a celebration of financial literacy this month. During the celebration, Jumpstart will honor two national leaders, a State coalition of the year, and the prestigious Odom Award winner. In addition, the National Foundation for Credit Counseling will announce the winner of its annual poster contest. The Washington State Department of Financial Institutions, DFI, announced that it is launching a new statewide financial education calendar. DFI is working with organizations providing financial education in their communities to incorporate existing calendars into a single searchable, comprehensive statewide calendar of financial education classes and events. Maryland Public Television is airing the program ''Pursuit of the Dream: Building Credit for Life.'' This special and important documentary will educate viewers on the importance of credit scores. Viewers will also learn tips for building a good credit score and helpful ways to avoid money traps that can drag down credit ratings. Viewers will also be able to hear from local financial experts and call a toll-free number airing throughout the broadcast to connect to valuable resources. In my home State of Hawaii, the Hawaii State Department of Commerce and Consumer Affairs recently organized a fair to provide free financial information and help arm consumers with accurate and useful information to encourage financial literacy.

As policymakers, we need to focus on these issues year round, not just in the month of April. However, focusing on Financial Literacy Month in April means that we have a designated part of the year when we can reassess and improve upon our efforts.

ORDERS FOR MONDAY, APRIL 19, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, April 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to executive session to debate the nomination of Lael Brainard to be an Under Secretary of the Treasury.

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

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

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

ORDER FOR SIGNING AUTHORITY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills or joint resolutions today, April 15, or tomorrow, April 16, 2010.

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

PROGRAM

Mr. BROWN of Ohio. Mr. President, today, Senator REID filed cloture on several executive nominations. At 5:30 Monday, the Senate will proceed to a cloture vote on the Brainard nomination.

ORDER TO ADJOURN

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of the junior Senator from Alabama, Senator SESSIONS.

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

Mr. BROWN of Ohio. Mr. 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. 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.

THE FEDERAL DEBT

Mr. SESSIONS. Mr. President, I shared recently with my colleagues my concern about the surging Federal debt and the ramifications that arise from that, and how it has a damaging effect in ways a lot of people have not considered on our economy and on the quality of life of the American people.

A scholar at the Cato Institute published an excellent op ed in yesterday's Washington Times on the impact of borrowing on the American economy. Savings are essential, as we all know, for economic growth because it is from those savings that people borrow, and then they are able to invest in new factories, equipment, research, development, and create businesses that create jobs. That is how we get economic growth. It is part of our tradition of a free economy, and it has served us well. Very few would deny that this is the best way to allocate wealth, rather than trying to have a government-mandated economy.

When the government issues debt and private citizens and corporations buy it, that, by definition, steers that money, that savings, from the productive or private sector of the economy toward the government. If the government wasn't issuing the debt, or borrowing the money, people would have money that they would likely invest in private corporations through bonds or stocks. They might place it in a bank and buy a CD, and then the bank would loan that to a private company, or some person who is wishing to build a home or a shopping center, creating jobs and growth in the economy. Some of our colleagues like to think that you can borrow money and you can increase debt and it is free money. But we know that is not true. Nothing comes from nothing. Everything has a cost, and it will be paid for one way or the other, at one time or another.

The unprecedented Federal debt that we are dealing with today is unlike anything we have seen before. I think it is fair to say that both parties have blame to share, but I have to say we have never seen anything like the President's 10-year budget and what impact it will have on the debt in our country.

Our debt in 2008 was $5.8 billion. In 2012, it is projected to double to $11.6 billion. In 2018, it will triple to 17.6 billion. That is a tripling of the entire debt of the United States in that many years. People would say, well, what does that mean? I say to you it means one thing I can show you. You borrow that money—somebody loaned it to the government. When the government took that loan and borrowed that money, they have to pay interest on it.

Just to show what the Congressional Budget Office has told us about what that actually means, in 2009 we paid $187 billion in interest on our debt. That is going to go up every single year, according to them, until 2020 when we will be paying $840 billion in 1 year in interest on the debt.

All of us have projects in which we believe. We believe in education or health. We believe in helping seniors or

young people. We believe in highways and research and development, national defense, the National Institutes of Health, science and technology, improving our energy use, cleaning up our environment. Those things cost money.

According to the projections of the Congressional Budget Office, $840 billion will have to be taken off the top. It will have to be paid first. That will be larger than anything in our budget, including defense, unless it continues to surge, and we hope it does not. It will be larger than any other account. It will be crowding out money we could have been spending on things that work.

Some of the money we spend does not work. Too much of it is wasteful Washington spending. Some of this money is very productive, and we like to think we are making the world a better place. We are going to have less of it because of this interest.

The unprecedented Federal deficit last year of $1.4 trillion is a stunning number, and the projected $1.5 trillion deficit this year will be taking $3 trillion out of the economy. In fact, the CATO scholar, Richard Rahn, compared the percentage of money the government is taking out of the economy in this recession with how much the government took out of the economy in previous recessions and found that the current depletion of savings that is going to the government is unprecedented over the last 30 years.

He says in 2009 the government took 38 percent of all the gross savings in the country by borrowing it, money that might have been available to a shopping center guy or a startup company or a person who needs to buy a home. They would borrow the money. The government is borrowing the money. The number of dollars in savings in this country is limited. We are taking 38 percent of it.

By contrast, it did not take more than 15 percent in any other recession in the past 30 years. The average takings have been less than 5 percent.

I will show this chart: savings taken by the government during recessions. The average per quarter in the last 30 years is 1 or 2 percent. In the 1982–1983 recession, it hit about 12; in the 1992–1993 recession, it hit about 15 percent; in 2003–2004, about 11 or 12 percent. Look at this, 38 percent in the 2009 recession we are in.

Some say this is worse than anything we have ever seen before. It is very bad, and it is unprecedented. If it is so easy, and if there is no cost to borrow, why don't we borrow twice as much? We all know there is a cost. We have to make judgments about how far we can go, how much we can continue to borrow.

We borrowed $800 billion for the stimulus package. Now we have a $270 billion stimulus package that is proposed. Since that would not fly as a big package, it is being broken up. We voted to have another $18 billion for a 2-month extension of unemployment insurance, the doctor fix, and some other items. We just borrowed it.

We thought when we did the largest expenditure in the history of the Republic, when we borrowed $800 billion for the stimulus package—I thought that was more than we could possibly afford to borrow to try to stimulate ourselves artificially out of this economic slowdown. It worried me. In fact, I supported a plan that I believe would have cost half as much and created more jobs using the studies of the President's adviser on economics, Christina Romer. It would have been more productive than the one Congress did.

One of the great tragedies of this whole process is how little stimulus we got out of the $800 billion. As Gary Becker, the Nobel Prize winner, said, it was not a stimulus package. It was not written to create jobs and growth. He predicted it would not create jobs, and he, unfortunately, has turned out to be correct.

Senator COBURN and several of us and others opposed this bill because it ought to have been paid for. It should have been paid for out of the stimulus package. Unemployment compensation is certainly one of the items that was in the stimulus package. The doctor fix—what about that? We have to do that, don't we? Yes, we do. We really do. From where should that money come?

The failure of compensation to our physicians—please understand—is a result of a law we passed that we now cannot adhere to that if it is in effect would cut physicians' pay for Medicare patients 21 percent. Many physicians are already quitting taking Medicare patients. If this were to pass, we would have very few continuing to take Medicare patients. The whole system would collapse. They are not getting paid enough now. Private insurance pays them much more than the government does. How should we pay the doctors? Don't we have to borrow the money?

One of the great flaws in the health care bill was the failure to fix the Medicare doctor payment. That was the crisis always in Medicare. The proposal that passed on a partisan vote in the Senate, the proposal to have a new health care program to raise taxes for Medicare, bringing in more money for Medicare, cut benefits from Medicare.

Did they fix the crisis, the doctor payment first, like what had been said had to be done from the beginning? One of the reasons we needed health care reform is because we needed to have a permanent solution to the doctor payments shortfall. Did we use the money for that? No. We took the money and created an entirely new spending program, a new health care program.

Our colleagues are proposing that we just borrow the money, the $371 billion it is going to take over 10 years to fix the doctor payments.

This is why the American people instinctively understand that we are not in control. We are out of control. We are in denial about how serious our situation is. I think the American people instinctively are right.

People say: Oh, the townhall meetings are angry. Some of them are angry. I sense they are just deeply concerned about the country they love, and they have a sense—and it is correct—that we are irresponsibly managing our duties here. As a result, we are saddling them and their children with the largest increase in debt the Nation has ever seen. It has the potential to put a cloud over the long-term growth in our economy.

I do believe we are going to get some economic strength from this stimulus package. It is impossible to spend $800 billion and not get some economic growth from it in the short term. In 1 more year it will almost all be spent. I guess before the election we will have a lot of money being spent, and we are going to get some benefit from that, and I hope we will have a long-term positive benefit.

The Congressional Budget Office, our group that we ask to analyze spending and score the cost of legislation, analyzed the $800 billion stimulus package and this is what they said. I think it makes sense and I am afraid it is true. For the first 2 or 3 years, we are going to have an economic lift from this flood of money into the economy. But over 10 years, the Congressional Budget Office has concluded that the $800 billion in spending will not improve the economy. Their score was that the economy would grow less in 10 years having passed the stimulus package than if we passed nothing—if we didn't spend anything. Why is that? Mr. Elmendorf said the reason is that when you borrow $800 billion, you crowd out borrowing from the private sector, which is where our economic growth is. You take available money that the private sector could have borrowed to run their businesses and factories and the government spends it on pork programs and social programs. This chart shows exactly that. I didn't know that 38 percent of the money that is being saved in this country would be gobbled up by Federal Government borrowing to keep our ship afloat so we can still try to buy our way out of this recession.

The experts say recessions are cyclical. If you don't do anything, you will come out of it. We hoped some sort of stimulus package could help us come out of it faster, with less pain, and I was prepared to vote for and I did vote for several packages that would be more job oriented and more targeted to growth. But we didn't pass that kind of bill. We passed a big governmental spending bill. It was predicted not to be growth oriented, it was predicted not to be job creating, and apparently, unfortunately, that has been basically true.

So I am hoping we will have some growth for a few years here, but I am confident, and logic tells me, that in the outyears that growth will not be as vigorous as it would otherwise have been because we are going to be carrying an unprecedented amount of debt

and we are going to be paying an unprecedented amount of interest every year, and this will crowd out private borrowing and cost the government a stunning amount of interest. That means the government will not be able to do anything to improve the lives of the American people because that money first has to go to pay the interest.

I wanted to share that, because there are some people who are saying that those of us who objected to this bill—this small $18 billion debt expansion that passed today—somehow we don't love America and we don't love people in need. We believe and we offered legislation that would have paid for these expenses by taking it from unobligated funds and programs that don't work effectively in our country. So we would have been able to fill this $18 billion need without increasing the debt. But instead of doing that, the majority of the Senate, or Democratic leadership, pushed through legislation that would borrow it.

I guess that is the path we are on, to have an $800 billion stimulus, a $270 billion stimulus II, to start a new $2.5 trillion health care bill—with these kinds of bills, more and more spending each year, and more and more debt. But we have got to stop. I know it is hard to say no and hard to make the tough choices, but that is what we have been elected to do.

I think we have to get serious about it. I am getting serious about it. I don't intend to continue to vote willy-nilly for these debt-increasing bills. I believe this Congress has got to get serious about our financial future and take some commonsense steps that can lead us into a better future.

I thank the Chair, and I yield the floor.

ADJOURNMENT UNTIL MONDAY, APRIL 19, 2010, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., on Monday, April 19, 2010.

Thereupon, the Senate, at 7:26 p.m., adjourned until Monday, April 19, 2010, at 2 p.m.