United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, MARCH 31, 2009 No. 54

# Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

## PRAYER

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

Let us pray.

Eternal Father, in whom we live and move and have our being, make our Senators aware of Your presence as they look to You for guidance and strength. Lord, refresh them with Your Spirit by energizing their thoughts and reinforcing their judgment. Show them what is noble in our heritage, that they may conserve and strengthen it. Teach them what needs to be changed and give them the courage and wisdom to do it. In all their labors, empower them to yield themselves to Your will, that this legislative body may fulfill Your purposes for our Nation and world.

We pray in Your holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 31, 2009.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. Con. Res. 13, the concurrent resolution on the budget. Under an agreement reached last night, 40 hours of the statutory time remains, with the time equally divided between the majority and the Republicans. Under the agreement, when the Senate resumes consideration of the budget resolution, Senator MURRAY will be recognized to speak for up to 15 minutes. Following her remarks, Senator GREGG or his designee will be recognized to offer an amendment. That amendment will be limited to 1 hour of debate equally divided. Then Senator BOXER will be recognized to offer an amendment in relation to the Thune amendment No. 731. Debate on that amendment will also be limited to 1 hour equally divided. Following debate on the Boxer amendment, Senator CONRAD or his designee will be recognized to offer a side-by-side amendment to the Johanns amendment No. 735.

I will say, Mr. President, we have on this side a number of Senators who want to speak on the budget. They want to talk about the merits of the budget. We will try to the best of our ability to work them in between amendments. We recognize anyone can grab the floor anytime they want. Senator CONRAD and Senator GREGG are going to do their best to try to make this an orderly process, and we will cooperate in any way we can to have that be the case.

## RESERVATION OF LEADER TIME

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

## CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Resumed

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

The legislative clerk read as follows:

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

Pending:

Thune amendment No. 731, to amend the deficit-neutral reserve fund for climate change legislation to require that such legislation does not increase electricity or gasoline prices.

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

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me start this morning by commending Chairman KENT CONRAD for his leadership of our Budget Committee and especially for the hundreds of hours he and his staff have dedicated to getting this budget done and accommodating both the priorities and concerns of so many of us in this body. Putting together a budget is never an easy process, but I believe our chairman has achieved a good balance that will set

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



Printed on recycled paper.

us on a course to both reducing our deficit and investing in the areas that we know will make us stronger in the future—energy, health care, and education.

I know that in addition to his work on this budget, this is a particularly difficult time for the State of North Dakota and the families and businesses there. I want to say to Chairman KENT CONRAD, who will be on the floor shortly, that all of our hearts go out to him and his State as they struggle with these horrific storms that are going through his area.

A budget is a statement of priorities. Ours is very clear: We put the middle class first, and we get our country back on track by investing in our future.

To be clear, we have inherited some very great challenges. We now face the worst economic crisis in generations. Since December 2007, we have lost 4.4 million jobs, including 2.6 million of those in the past 4 months. So before we consider where we are going, it is important to talk a little bit about where we have been.

For weeks now, my friends on the other side of the aisle have been bemoaning deficits and debt with not a moment of consideration for their own record on those issues. Back in 2001, Republicans controlled the full power of our Government. Under the leadership of President Bush and Republicans in Congress, record surpluses created under President Clinton became record deficits. These Republican deficits grew and grew and now today add up to trillions of dollars in new debt that is going to be shouldered by future generations of Americans.

With this perspective, I hope our Republican friends will start acknowledging and owning up to the fact that we now have two choices. Choice 1 is to continue down the Republican deficit path, no investments in our future, a widening gap between the rich and the middle class, and more massive deficits. Choice 2 is represented in the budget before us today: improve the economy by investing in energy, education, and health reform so that we as a country are stronger in the future; cut taxes for our middle class and address the deficit so that our children do not bear the burden of bad decisions today.

After 8 years of the Bush administration's shortsighted budgets and misplaced priorities, we are now working with President Obama to invest in our needs and to chart a new course for America. We are choosing a new path.

The American people deserve an economic plan that works for everyone in this country. Our budget makes responsible choices that will help get this country's economy rolling again. I came to the floor today to talk about a few of those priorities and choices we have made.

We face pressing transportation needs across our country, and maintaining and creating new infrastructure is key to this country's economic strength.

Just a couple of months ago, the American Society of Civil Engineers issued its annual report card on the condition of America's infrastructure, and the results were very dismal. The leading experts on the state of our Nation's infrastructure have reduced the grade point average of our entire system of roads and bridges and mass transit to a D—that is ''D'' as in dog. Our Nation's roads also got a D-minus since a third of our major roads are considered to be in poor and mediocre condition, and more than a third of our urban highways are congested. American families today spend about 4.2 billion hours a year stuck in traffic, and that is costing our economy almost $80 billion in lost productivity each and every year. These roads are in every one of our States. It is time to fix them.

As we are all aware, the available funding balance in the highway trust fund is falling rapidly. Thankfully, in our budget the transportation reserve fund will provide the mechanism that will allow us to reform our transportation financing system and provide the kinds of spending levels in the upcoming Transportation authorization bill that are going to be necessary to maintain our highways and our transit systems. Fixing our transportation is about getting our economy strong, but it is about safety as well. I think all of us remember when that Minnesota bridge went down. We do not want to see that again. It is time to fix our roads and our transportation. This budget takes a major step forward.

Second, education. We all know and we all say that education is the key to our future strength. In this new global economy we exist in, a good education is no longer just a pathway to opportunity; it is a requirement for success. We will not recover and be strong in the long term unless we both create jobs and make sure America's workers have the education and skills to fill those jobs we create. So this budget invests strongly in education and in ensuring that American students do not fall behind as they make their way into this global marketplace.

This budget helps retrain America's workers for careers in high-growth and emerging industries such as health care or renewable energy or energy-efficient construction so that those workers can stay in the middle class. We increase Pell grants and make tax credits for tuition permanent. We want all students to achieve a postsecondary education, whether it is through a registered apprenticeship or through a community college or university, and this budget helps take us in that direction.

As a nation, we have to change the way we think about preparing young people for careers today, starting with making education work better. This current economic crisis has cost us dearly.

Every weekend I go home to Washington State, I hear about another business closing, another family who has lost their job, another senior citizen who does not know how they are going to make it. So we all know that if we make changes and we make smart investments, that is how we are going to move our country forward again and give confidence back to the American people that we are a strong country. Investing in education is one of those smart investments. We do that in this budget.

Our health care system—something we all talk about—is broken. We know it needs real reform. Today, we have a historic opportunity to finally tackle that challenge. These investments we make in health care are not luxuries; they are essential to our future strength. That is why we need to prioritize the health profession's workforce and access to quality health care in our rural areas, and we have to ensure that preventive measures are given priorities so that American families are not left with giant bills for expensive care down the road.

Some critics of this budget argue that now is not the time to tackle health care reform. I believe that is very shortsighted reasoning. There is a direct connection between our Nation's long-term prosperity and developing health care policies that stem the chronic bleeding in business and in our State and national budgets across the country.

Mr. President, there was a recent editorial in the Everett Herald, a hometown newspaper in my State, that made this point, and I want to read it to you. It says:

> Yes, the economy is the most urgent challenge. But our broken health care system and addiction to oil threaten to become our long-term undoing.
>
> They're all intertwined. Failing to find solutions to our long-term problems will likely stunt future economic expansions, creating longer and deeper downturns.

That is not something any one of us wants to see, which brings me to our next investment. As we are all aware, energy issues are some of the most pressing facing our Nation today. Our dependence on foreign oil has left us beholden to other nations as middle-class families have paid the price at the pump. By making renewable energy a priority in this budget, we can reduce our dependence on foreign sources of energy in the future and help create green jobs here at home and leave a cleaner environment for future generations. These are smart investments in this budget.

In an issue near and dear to my heart, I commend both the committee and President Obama for finally making our veterans a priority in this budget process. Our men and women in uniform and their families have served and sacrificed for our Nation. After years of being underfunded and overshadowed, this budget finally does right by them. I again commend Senator CONRAD, the budget chairman, and President Obama for putting this issue forward.

This budget is finally honest with the American people about the cost of war, not just by paying for veterans care but by paying for the wars in Iraq and Afghanistan, on budget, for the first time since they started—over 6 years ago.

I also wish to note that this budget meets our commitment to nuclear waste cleanup in my State and across the country. Workers at Hanford Nuclear Reservation and residents of that community sacrificed many years ago to help our Nation win World War II. Hanford and those other sites are now home to millions of gallons of waste. Our Government needs to live up to its promise to clean them up, and this budget rightfully does that.

Let me talk a minute about agriculture because agricultural production is the largest industry for many States across the country, as it is in my State, with farming and ranching. Protecting our agricultural sector is critical to our economy, to our environment, and to our quality of life. We need to work to keep our rural communities strong and to ensure a bright future for all our farm families. Production agriculture—such as Washington State's wheat farming—is a very volatile business and a workable safety net, such as in the farm bill, is vital to the security of our family farms.

I have long supported the Market Access Program, which provides funds for our producers to promote their products overseas and expanding international markets. These are critical for our agricultural communities today as they try to compete in a global economy. Especially in these difficult economic times, when our foreign competitors are trying to limit our market access with high tariffs, the last thing we should be doing is cutting programs such as the Market Access Program, which will help our growers in a competitive global marketplace. As we work to get our country back on track, I am going to continue to find ways to support one of the staples of our economy and that is our agricultural community.

America has paid dearly for the Bush administration's failure over the last 8 years to invest in our country and to invest in our people. We don't have to tell that to the American people today. They are waking up every single day and seeing rising health care costs, pink slips, a crumbling infrastructure and bills and mortgages they can't afford to pay. We tried it the other way for the last 8 years. Now it is time to invest in America again. It is time to give our middle class a break and it is time for honesty and it is time for bold decisions.

This budget that Senator CONRAD and the Budget Committee have brought to all of us to consider today isn't perfect, of course—no budget is—but what it does do is extremely important. It invests in our future—our future, America's future—and puts this country back on track.

I wish to thank Senator CONRAD, again, and his committee for working so hard to bring this budget forward to us, and I look forward to supporting it when we pass it later this week.

I yield the floor.

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

AUTO BAILOUT PLAN

Mr. MCCONNELL. Mr. President, the significance of the U.S. auto industry as the symbol of American creativity, industriousness, and prosperity is hard to overstate. So is the importance of its continued survival to millions of American workers who design, build or sell our cars here and around the world. This is precisely why many of us have been insisting for years that management and labor take the tough but necessary steps to keep these companies viable not only in a recession but also in good times.

Unfortunately, many of these tough decisions have been put off time and again, and the day of reckoning has come for two of the big three automakers. Yesterday, the administration announced that GM and Chrysler had failed to come up with viable plans for survival, despite tens of billions of dollars in taxpayer bailouts aimed at avoiding this very situation.

The immediate result of this failure on the part of the automakers was the administration's decision to fire GM'S CEO and the promise of even more bailout money if these companies take the same kinds of steps Republicans have been demanding, literally, for years. Last fall, when the recession took hold, Republicans said emergency support was justifiable for entities whose failure threatened to paralyze the Nation's entire economy. Taxpayer support for individual industries was not. Our reasoning was, taxpayers should understand an effort to save an entire credit system—literally the lifeblood of the Main Street economy—but they wouldn't support the Government picking winners and losers based on political or regional calculations.

While no one takes pleasure in the continued struggles of the automakers, those warnings and that principle appear to have been vindicated by recent events. If our proposal had prevailed last fall, these two companies would have been forced to make the serious structural changes that billions of dollars in taxpayer money since then have not been able to produce. Republicans said the expectation of bailouts disincentivizes reform, and it appears we were absolutely right.

In early December, I said a tentative compromise between labor and management didn't go nearly far enough; what was needed was a firm commitment on the part of these companies to reform either in or out of bankruptcy, get their benefit costs under control, make wages competitive with foreign automobile makers immediately, and end the practice of paying workers who don't work. I also said automakers had to rationalize dealer networks in response to the market.

The previous administration took a different view. It said an emergency infusion of taxpayer money would be enough to force these companies and labor leaders to act. The current administration agreed with that assessment, and last month, when the automakers came back again for more money, the current administration complied with an additional $5 billion infusion of taxpayer dollars. The latest infusion appears to have had little or no effect.

Yesterday, we got the verdict: 4 months and $25 billion taxpayer dollars after Republicans called for tough but needed reform, the automakers are no further along than they were in December. As a result, the current administration has decided the bailouts can't go on forever, although they are still putting the cutoff date well into the future. The taxpayer regret for this bailout is that it could have cost a lot less than $25 billion. The answer to this problem was obvious months ago.

Throughout this debate, some have tried to propagate the falsehood that this is a regional issue; certain Senators oppose bailout because domestic automakers don't operate in their States. If that were true, I certainly wouldn't be standing here. Thousands of Kentuckians work at Ford assembly plants in Louisville, thousands more work for domestic suppliers throughout Kentucky, and for more than 30 years, every Corvette in America has rolled off a production line in Bowling Green, KY.

Those of us who oppose unlimited bailouts for struggling automakers don't want these companies to fail. We want them to succeed. If our proposals had been adopted, we believe they would be in a much better position to do so.

Hard-working autoworkers at places such as Ford and GM in Kentucky have suffered because of the past decisions of unions and management. It is not their fault labor and management made the decisions that put them in this mess. It is no coincidence that Ford—the only U.S. automaker that has refused taxpayer bailout money to date—is also the most viable, even after the financing arm of one of its bailed-out competitors used taxpayer funds to provide its customers with better financing deals. Companies that make the tough choices and steer their own ship are better off in the short and the long term.

Everyone wants the domestic automakers to get through the current troubles and to thrive. But it is going to take more than tough talk after the fact or the firing of CEOs. It is encouraging to see the administration is coming around to our point of view. It is a shame the taxpayers had to put up $25 billion to get to this point.

Mr. President, I would like to speak briefly on two of the amendments we will be considering today on the budget. One protects Americans from a new

national energy tax in the form of an increase in electricity and gasoline prices at a time when they can least afford it, and one brings transparency to the budget process.

The first amendment we will consider, sponsored by the junior Senator from South Dakota, says the reserve fund in the budget resolution for climate change cannot be used for legislation that would increase electricity or gasoline prices for American consumers.

An increase in electricity and gas prices would disproportionately affect people at the lower end of the economic ladder, and American families cannot afford a tax increase at a time when many are struggling to make ends meet. Passing this amendment would protect them from the additional burden of the new national energy tax included in the administration's budget.

The second amendment, sponsored by the junior Senator from Nebraska, bars the use of reconciliation when considering climate change legislation, thus assuring an open, bipartisan debate on this job-killing and far-reaching proposal.

Democratic budget writers who support reconciliation know their plans for a new national energy tax are unpopular with both Republicans and Democrats. That is why they are trying to fast-track this legislation down the road and prevent its critics from having their say. The strategy of the reconciliation advocates is clear: Lay the groundwork for a new national energy tax that could cost American households up to $3,100 a year, keep it quiet, then rush it through Congress, leaving transparency and debate in its wake.

Americans deserve better. They expect a full and open debate, particularly on a piece of legislation as far-reaching as this. The proposal by the junior Senator from Nebraska would ensure that.

Here are two Republican ideas Americans support. I would urge my colleagues to do the same by voting in favor of both the Johanns and the Thune amendments.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I understand I now have the right to offer an amendment, but prior to offering the amendment, I wish to make a couple comments.

I have watched this debate develop, and it develops with a certain tempo every year. One of the comments that has been made in the paper by the chairman—and it was also made by the President, interestingly enough—is that if we disagree with the budget as brought forward by the President, we should offer our own budget. Historically, the way this has happened is that the party in the minority has not offered a budget. Traditionally, the party in the minority has offered a series of amendments to try to improve the majority's budget.

That is the tack we have taken this year. That seems like a more logical tack to me because it is a more bipartisan approach. We are simply trying to reach out to the majority and say: Hey, listen. If you accept this amendment and this amendment and this amendment, your product—the budget you have brought forward—is going to be a much better product. For example, if you reduce the amount of spending in your bill because your bill spends too much; if you reduce the amount of taxes in your bill because your bill taxes too much; and if you reduce the amount of borrowing in your bill because your bill definitely borrows too much, then the amendments which we offer to accomplish those three points would significantly improve your bill.

In addition, we are going to offer amendments which address positive policy initiatives. For example, we will offer an amendment to try to improve the energy policy of our Nation by allowing Americans to produce more American energy rather than buy it overseas, and to conserve more American energy—which is the approach we should take. We will allow Americans to produce more American energy by allowing more drilling in an environmentally safe way, by allowing more nuclear plants, by allowing more wind and solar energy, at the same time conserving. We will offer that amendment.

We will offer an amendment to improve the budget by offering a positive policy on health care where every American could be insured but where we do not add another $1 trillion in spending and don't step off on the course of nationalizing our health care system. We will offer amendments which will try to get under control the real threat we have as a nation, from the fiscal policy standpoint, which is the out-year debt, the fact we will be passing on to our children debts which are not sustainable, debts of a trillion dollars a year as far as the eye can see. That is not sustainable. So we will offer policies in that area, relative to trying to have a more balanced approach toward spending around here rather than a profligate approach toward spending.

That is the approach we take to improve this budget by amendment. It is a bipartisan approach. We are not going to set up our budget versus their budget and have a partisan debate. We are going to suggest they change their budget and make it a more positive document and more bipartisan document. Interestingly enough, this is exactly the same approach taken by the chairman when he was in the minority and I happened to be the chairman, and I respected that approach and I did, on occasion, ask where is your budget and he came back with his statements, which were eloquently and brilliantly presented, that said he would do it by amendment. In fact, they were so eloquently and brilliantly stated I brought some of the statements here so other Members can see the eloquence of our chairman on the subject.

March 10, 2006, when I offered a budget and I asked: Where is your budget, Senator? And he said:

> We will offer a series of alternatives by amendment.

Concise. People are concise from North Dakota. Sort of like New Hampshire. That is why we like each other. Then he made another statement when I asked the question where is your budget, Mr. Chairman, and said, on March 14—a more expansive statement:

> Mr. President, the chairman says we have offered no budget.

I did say that.

> The chairman well knows the majority has the responsibility to offer a budget. Our responsibility is to critique that budget.

We have great admiration for the chairman. I listened to his words when I was chairman. We are following that course of action. So I hope that as we move down the road with this discussion that we have no more statements in the newspaper to the effect there is no budget being offered by the Republican side.

On another subject, I heard—and I listened to what the President said on the issue of this auto bailout issue. I have deep reservations about this. I have been a strong supporter of the initiatives that this administration has taken trying to stabilize our financial industry. The financial industry is the core systemic element of our economic well-being as a nation. The availability of credit at a reasonable price, reasonably easy to obtain, is the essence of a strong and vibrant capitalist system. It goes to the core question of Main Street and how you make Main Street work.

If you think of us as a body, a nation as a body, the financial system is the blood system, it is the arteries, it is what moves the blood through the system. So it is critical that we have a viable financial system. I have been very supportive of the administration's initiatives in this area. I have been very supportive of Secretary Geithner's initiatives and I have been very supportive of Secretary Geithner. But this idea that we should step in to underwrite the automobile industry is something with which I have real problems. I had problems when the prior administration did it at the end, in the final days, and I have problems with it now. It is an important industry—no question. But, remember, cars are produced in this country that are not necessarily produced by these two companies, GM and Chrysler. There are also cars produced by Ford, Toyota, Honda, BMW. A

variety of companies have manufacturing facilities in this country, so it is not as though the entire system is threatened relative to employment of the people in the auto industry. It is these specific companies that are having problems and they are important but they are not systemic.

Equally significant is the fact that these companies have had problems for a long time in the production of a product that is competitive. Before we start putting tax dollars into these companies, there has to be a very specific plan that shows they will be viable, that these tax dollars will not be good dollars chasing bad dollars, and that means there has to be a plan, No. 1, to produce products people want to buy; and, No. 2, reduces significantly the debt so the bondholders actually take a fairly significant haircut; and, No. 3, brings their employment contracts in line with the employment contracts of their competitors. None of that has happened so far. It is very hard to justify putting money into this industry in this present climate and under the failure of proposals to come forward to accomplish that.

Something else the President said has raised a question to me. That is, he is saying that the Government is going to insure the warranties of these automobile manufacturers, specifically GM. Because if Chrysler affiliates with Fiat, that would not be necessary, I presume. That is a fairly significant step for the U.S. Government to take, that we are going to insure the warranties on cars. Is that the business of the Government? Is that the purpose of the Government? Does that mean we put a new telephone line in my office in Portsmouth for people who have problems with their transmissions? That they are supposed to call me?

Let's be honest about this. This is probably not a course of action that makes a whole lot of sense, that the Government is going to get into the business of underwriting the warranties of a manufacturer.

I have deep reservations about the course of action here. I do hope before we put any more money into this—in fact, I hope we will not put anymore money into it, but if there is more money going into it, there is at least a clear and defined plan that shows these companies will be viable, which means they have to put on the table a plan that shows they are going to make products we support, that people want to buy, bondholders are taking a fairly significant hit, and their union contract and the legacy contracts are adjusted to be more in line with the competition.

AMENDMENT NO. 739

On the specifics of the amendment which I am offering at this point, I ask the clerk to report my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 739.

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

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

The amendment is as follows:

(Purpose: To prohibit the consideration of any budget resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009)

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

**SEC. _____. LIMITATION ON BUDGET RESOLUTIONS INCREASING THE PUBLIC DEBT.**

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any budget resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009.

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

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

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

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) SUNSET.—This section shall expire on September 30, 2010.

Mr. GREGG. This is a pretty simple amendment. It comes about as a result of one of the elements that I see as the core of the problem with the President's budget, and that is that we, under the budget as proposed by the President, are going to pass on to our children an unsustainable Government and a debt which will essentially put them in a position where their quality of life will be dramatically reduced because of the burden of the debt they have to pay relative to the Federal deficits that have been run up. The President's budget doubles—you have heard this before—doubles the national debt in 5 years, triples it in 10 years. These are massive expansions in debt. It is hard to put these numbers into context, but they represent the fact that every household in America, by the year 2019, will have $130,000 debt on its back added as a result of this Presidency, and $6,000 of interest payments that they will bear as a result of this Presidency.

That means the debt added to their backs and the interest added to their backs probably will exceed their mortgage payments—to pay for the Federal Government. So it doubles it in 5 years, triples it in 10 years. The burden will be extraordinary on our children because they are the ones who will have to pay the cost of this. It will lead to a decrease in the quality of life of our Nation because the burden of paying this will lead to one of two options: Either we inflate the currency, thus reducing the value of the dollar—and inflation is a dangerous thing for society to have happen to it; it makes everybody's work less valuable and it makes the products they produce more expensive—or, alternatively, the tax burden to pay for this will have to go so high on all Americans—this is not just the wealthy; the wealthy already are going to be taxed under this budget—it will go so high on all Americans that their discretionary income which they might use to buy a house, which they might use to send their children to college, which they might use to buy a car, to live a better lifestyle, will be eliminated or significantly reduced, anyway, because they will have to go through the burden of paying taxes to cover the debt that we are running up now. We are, our generation, running it up and we are handing it on to the next generation. It is very wrong for one generation to do this to another generation.

We will be creating under this budget, or the President is proposing to create under his budget, a wall of debt which goes up and up, a wall of debt which will be sitting on top of the American economy and the people of this country. The American people are not going to be able to get over this wall of debt. They will run right into it and the economy is going to run right into it, and it is going to have a devastating impact on us.

Other countries are going to be worried about this. Other countries that buy our debt and support our ability to function as a nation are going to be worried about the size of this debt. In fact, the Premier of China has already said—and he is the largest holder of American debt instruments outside of the United States—has already said that he is concerned about this. If China or other nations start to get concerned and are not willing to buy our debt, then that puts us in a difficult position because if we are going to run up all this debt and we have nobody who can buy the debt, that is when you hit inflation. That is when serious things happen.

We do not have to look too far to see it already happening in other nations. Ireland. Ireland got its debt so out of kilter it just had its credit rating reduced. A whole nation, which is considered to be a pretty vibrant nation and which for a period was considered to be the most vibrant economy in Europe, had its credit rating reduced. That is a huge event for Ireland and it reflects the fear that the Irish economy will not be able to support the deficits and the debt that are being run up.

How large was the Irish debt and deficit that led to this credit rating—credit downgrade? Their deficit was 12.4 percent of GDP. You say that is pretty darn high, no wonder the credit rating agencies said the Irish debt may not be sound or as sound as other nations.

How high is our deficit going to be? Under this budget resolution, this year it is already going to be 12.2 percent. We are closing in. Under the President's budget proposal, it will exceed 13 percent this year if the proposals in his budget are enacted. We are closing in on the Irish situation. We are spending a lot of money we do not have and we are running up a lot of debt we can not afford. In fact, stated another way, if you look at all the debts, all the deficit and all the debt run up on the United States since the beginning of our country—1789, when we began running up debt, that is when George Washington was President—this is a picture of all the Presidents here. If you look at all the debt they ran up on our Nation from George Washington through people such as Buchanan, Polk, Lincoln, of course, Grant, Garfield, Wilson, Harding, Franklin Roosevelt, Truman, right up through George W. Bush—all the debt run up by all these people, all these Presidents throughout all their administrations, the President of the United States, President Obama, is suggesting that he, under his budget, we should double that—double this cumulative debt run up on our country since 1789 in about the first 5 years of his Presidency.

That is incredible. That is an incredible explosion in debt. It gets back to this chart I held up that says we are going to double the debt in 5 years under this Obama proposal—President Obama's proposal—and triple it in 10 years. It is incredible.

I do not think that is affordable. I don't think our Nation can do that. So I have offered the amendment I call the 1789 amendment. We are going to refer to it as the 1789 amendment. Actually it says there will be a point of order against a budget that proposes that the debt of this Nation should be doubled during the period of that budget—that if that debt would double, that a budget which would propose that debt would double the amount of debt run up since 1789 through January 20, 2009—if a budget comes to this floor which doubles the debt of the United States, which has been run up since 1789, through 2009—run up under all the Presidents of the United States prior to President Obama, there would be a point of order against that budget.

Does a point of order mean the budget can't be passed? No. The budget can be passed. It is just going to take 60 people to pass it rather than 51. That seems reasonable, that if you are going to leave our children with a doubling of the debt in 5 years and a tripling of the debt in 10 years, that you ought to be willing to get 60 votes to do that.

The reason for this, of course, is to highlight and make it clear to the American public what we are doing to ourselves. I do not expect to win the point of order very often—especially if my colleagues on the other side of the aisle have 58 votes. But that point should be made so the American people see in a very clear way what is happening to them. That is what this is about—making it very clear to the American people that if the deficits are going to go up in this way, that if a President proposes to run a $1-trillion-a-year deficit for 10 straight years on average—$1 trillion, think about that for a moment, a $1 trillion a year deficit for 10 straight years on average—wow. We used to get concerned around here, and rightly so, whether we were running a deficit in the range of $200 billion.

We are now talking about $1 trillion a year under this President's budget, as the deficit that is proposed. Five to 6 percent of the gross national product will be deficit spending, with the practical implication that it adds to the debt almost $9.3 trillion, tripling the debt, taking the debt as a percentage of GDP up past 80 percent, which is an unsustainable number. It is so unsustainable, in fact, that we wouldn't even be able to get into the European Union if we wanted to because they don't allow countries in that have that amount of debt. Can you imagine that? We are worse off than all the countries in Europe that are part of the European Union because of the level of debt being proposed in this budget.

Nobody wants to use Europe as an example, but that is a pretty significant benchmark. We will be headed toward a situation where the value of our currency is at risk, where our ability to sell debt will be limited or affected, where we have a potential for massive inflation, and where we essentially will pass on to our children a country they cannot afford because the tax burden to support the government will be so overwhelming. We should not do that. I don't think we should do it.

The history of this Nation is that every generation passes to the next generation a better and more prosperous country. The implications of this budget are that we will be unable to pass to the next generation a better and more prosperous country. This amendment, which we call the 1789 amendment, says, if we want to pass a budget that doubles the debt over all the debts that have been run up in this Nation since 1789, we need to get 60 votes rather than 51. We have to get nine more people to agree. That seems a reasonable threshold and, hopefully, a transparent event that will make it clear as to what the budget is doing to the next generation.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the distinguished ranking member for his use of my previous quotes. I am delighted to see my name up there on those wonderful charts.

Mr. GREGG. I was going to put them in lights, but they don't allow that as part of the rules.

Mr. CONRAD. That would be an even nicer touch.

The one thing I would say that was left out was when there was a new administration and a complete change in direction in 2001, I did offer a complete alternative. My colleague is very unhappy with the President's budget. This is their opportunity, if they are as unhappy as they say, to offer an alternative. But they don't have one. They don't have an alternative. They don't have an alternative budget. They don't have an alternative vision. All they want to do is say no. They want to say no to the President's budget. They want to say no to the budget that has come from the Budget Committee. They say no to their even offering an alternative.

When the situation was reversed, a new President in 2001, with a radically different vision, we offered a full alternative. I am proud we did.

When I hear the other side talk about the growth of debt, I have to ask, where were they the last 8 years? Where were they? Where were they when the previous administration doubled the debt of the country? In fact, they more than doubled it. Where were they when the previous administration tripled foreign holdings of U.S. debt?

As this chart shows, it took 224 years and 42 Presidents to run up $1 trillion of U.S. debt held abroad, and the previous President ran that up by more than $2 trillion. He tripled the amount of U.S. debt held abroad. We have become increasingly dependent on the kindness of strangers.

Last year, under their administration, 68 percent of the new debt of this country was financed by foreign entities. Where were they when that was happening?

This President inherits the colossal mess left behind by the previous administration, a debt that had more than doubled, foreign holdings of U.S. debt more than tripled, and the worst economic slowdown since the Great Depression. This President has been in office 3 months. Under the terms of the amendment they are now offering, they act as though he is responsible for debt runup during the previous administration. Please. That has zero credibility. They are saying that debt runup in the last quarter of the last administration is attributed to this administration. They say the budget that this President is inheriting for this year is the responsibility of this President. I don't think so. That is not the way I ever did the calculations.

When their administration was in power, I always held their administration harmless for the first year since they were inheriting the budget of the previous administration and the economics of the previous administration. Now they want to try to stick President Obama with the failures of the last administration and say debt runup in the previous administration is his debt. I don't think so. That is not fair. That is not going to sell.

Here is what happened when they were in charge. We now have China as

the No. 1 financier of U.S. debt. We owe them $740 billion. Japan is not far behind. We owe them $635 billion. Where were they when this debt was being run up? I will tell you where they were. They were in full lockstep support of the previous administration. They voted for every dollar of the debt that was run up.

One place I will agree with them is that it is dangerous to have run up that debt. Unfortunately, with this economic slowdown, we are going to have a lot more debt, a lot more deficits, until we are able to lift out of this and then pivot and get back to a more sustainable course.

China is worried about the U.S. debt. They were worried about it before this administration, they were worried about it in the previous administration, and well they should be. If we look at any analysis of the debt we have from 2001 to 2014, who is responsible for the debt buildup?

This red bar is what the Bush administration will have been responsible for. The green is the recession and interest on inherited debt. The contribution of this budget is the small yellow piece because we have the Titanic of debt coming at us. It is a result of the policies inherited by this administration, the result of the economic collapse inherited by this administration. That is the reason we have the circumstance we face today.

Let me quote Senator GREGG. He was kind enough to quote me. I would like to quote him. This is what he said on March 11. He was quoting me from 2006. I stand by those quotes. This is March 11, Senator GREGG:

> I'm willing to accept this [short-term debt deficit] number and not debate it, because we are in a recession, and it's necessary for the government to step in and be aggressive, and the government is the last source of liquidity. And so you can argue that this number, although horribly large, is something we have to live with.

He was right on March 11—by the way, my daughter's birthday, and the day before my birthday. Usually he gives me a gift on my birthday. No gift this year. I am very hurt by this. I don't know why Senator GREGG absolutely forgot my birthday. He remembers my quotes, but no remembrance of my birthday. That is OK. I still like him very much. He is a very nice person. But the place where he and I absolutely agree is the second 5 years. We have to do a lot more to get the debt under control under the President's budget, even my budget, which dramatically reduces the deficit and debt. The truth is, we have to do more. It is in the country's interest that we do.

Let's talk a minute about what we are accomplishing in the budget before us. We are dramatically reducing the deficit, from $1.7 trillion this year, an all-time record, because of the dramatic economic slowdown. That means less revenue, more expenditure, exploding deficit, and $1.3 trillion of this $1.7 trillion is exclusively the responsibility of the previous President.

A new President walks into a situation. He didn't construct the conditions for this year. That is the previous administration. So $1.3 trillion of this year's deficit reflects the policies of the previous administration. We hold President Obama responsible for $400 billion of the deficit this year because that is the effect of his stimulus package and other legislation that passed.

So, yes, he has a responsibility for some of this deficit this year, but it is about one-fourth of what we will experience this year. Then we are dramatically reducing the deficit by $500 billion for the next year. The next year we bring it down another $300 billion, the next year another $300 billion, and, by 2014, we take it down to $508 billion, a more than two-thirds reduction in the 5 years of this budget as a share of gross domestic product, which is what economists say ought to be the comparison.

Why do they say it? Because if you look at it in dollar terms, that does not take account of inflation. If you do it as a share of gross domestic product, that takes account of inflation. You can see we are even more dramatically reducing the deficit under that metric, from 12.2 percent of gross domestic product today down to less than 3 percent in the fifth year, which economists all say is what we need to do to stabilize the growth of the debt. We need to get to 3 percent of GDP or less. We do that in the fifth year and bring down the deficit as a share of GDP each and every year of the 5 years of the budget.

My colleagues on the other side have offered an amendment that says—and I hope colleagues are listening because we are going to vote on this, and we will be voting pretty soon on this proposal—if the debt is at a certain level, it will require 60 votes to write a budget resolution.

Let's think about that. Let's think of the implications of what they are offering. They say, if the debt is not below a certain level, you cannot write a budget resolution unless you get a supermajority vote. Do we want to do that? I would say to my colleagues, the budget resolution is the vehicle that has all the budget disciplines in it, all the supermajority points of order against spending, and they would jeopardize those very disciplines that can help us hold down deficits and debt.

What sense does that make? I ask my colleagues, does it make any sense at all to be saying we are going to make it harder to write a budget resolution that provides the disciplines to hold down spending, that provides all those supermajority points of order against additional spending? I say to my colleagues, the cure they are offering is worse than the disease. Please, colleagues, let's not go with that idea.

I will tell you, in the committee, they actually offered—which I thought was the most bizarre; and I have been on the Budget Committee 22 years—in the committee they actually offered a proposal to tie our standards on deficits and debt to Europe. So we are going to adopt the European Union model under the amendment they offered in the committee. Could you imagine?

Now the question of what our fiscal policy should be would be tied to France, would be tied to Italy, would be tied to Spain, would be tied to Germany, would be tied to Belgium.

This is America. This is an American budget for the American people. We ought not to be tying ourselves to the French, the Italians. I love the Italians. My wife is Italian. But, my goodness, they are talking about tying our budget standards to the European Union? I do not think so.

I say to my colleagues, this amendment they are offering—well intended, absolutely well intended; I do not question their motivation at all, but I do question very much the specifics of the proposal they have offered.

Mr. President, I would ask to have an update on how much time remains on the budget resolution and what is the time between the sides?

The PRESIDING OFFICER. At the beginning of consideration of the pending amendment, the majority controlled 19 hours 47 minutes, the minority controlled 19 hours 40 minutes.

Mr. CONRAD. And we are at just after 11 o'clock.

What is the order that was entered last night?

The PRESIDING OFFICER. After the consideration of the pending Gregg amendment, Mrs. BOXER of California is to be recognized. She will be offering an amendment. Then, Senator, you will be recognized to offer an amendment or your designee to offer an amendment.

Mr. CONRAD. All right.

Mr. President, I say to Senator SESSIONS, are you seeking time on the Gregg amendment?

Mr. SESSIONS. Yes.

Mr. CONRAD. We still have time remaining.

Mr. President, how much time remains on the Gregg amendment?

The PRESIDING OFFICER. The sponsor has 19 minutes, and the Senator from North Dakota has 14 minutes.

Mr. CONRAD. I ask Senator SESSIONS, how much time would he seek?

Mr. SESSIONS. Mr. President, I ask for 5 minutes.

Mr. CONRAD. Mr. President, I yield 5 minutes off the time of the minority to Senator SESSIONS.

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

Mr. CONRAD. Mr. President, might I say, after Senator SESSIONS has used that time, or whatever additional time he might require, our intention would be to go to Senator BOXER. We cannot lock that in because Senator GREGG is not here, and we have an agreement we do not take advantage of each other in a procedural way. So I would not seek to, in any way, alter the time that remains.

I yield to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the Gregg amendment because it at least requires us to focus on the enormity of the wrong we are now committing.

This chart I have in the Chamber—you have seen a lot of charts and a lot of obfuscation and numbers thrown around—this chart is not disputable. These numbers come directly from the Congressional Budget Office's analysis of the Obama 10-year budget. That budget says that today our debt is $5.8 trillion—$5,800 billion since the founding of the Republic. It will double, in 5 years, to $11.8 trillion—$11,800 billion in 5 years. It will, in 5 more years, triple to $17 trillion of debt. We all know that nothing comes from nothing.

We have to pay interest on that debt. CBO has calculated that. We are currently paying $170 billion a year in interest—$170 billion. My home State of Alabama's entire budget is under $10 billion. The federal government spends $40 billion a year on highways. We spend $100 billion on education. We are currently spending $170 billion just on interest on our debt. When this budget gets through, in calculating the interest rate, with some increases—because these debt levels are going to require higher interest to get people to loan us money—it will be $800 billion in interest at the 10th year, which is bigger than the defense budget, bigger than education, bigger than anything else in our account.

I know the chairman has the budget on the floor and has said it is a 5-year budget, but the House has a 10-year budget. Director Orszag, the President's Director of the Office of Management and Budget, has said the Senate's budget is 98 percent of the President's budget. So it is not a fundamental change. It is, essentially, the President's budget. This is what the President's budget does. I would contend it is, essentially, indisputable that this is what he calls for. He made choices. He could have cut spending in some other places, but he increased spending.

I will add this: He does not project these deficits arising from slow economic growth. Under the President's budget, he projects robust growth, good growth. The only negative year is this year. Next year, he projects solid growth. The next year, I think, 4 percent; 3 years in a row of over 4 percent growth, which is very robust. No recession is projected in this 10-year period. So we have good years, fat times, and all the while we are increasing our debt, tripling it.

Senator GREGG is saying, let's at least have a vote that requires 60 votes of the Senate, such as we do on any other important piece of legislation, as to whether we will exceed doubling the debt.

Let me tell you the consequences of this. Last week we had difficulty selling our debt. The Brits' debt auction failed. The British are following our model of huge spending increases and surging debt. That idea is being rejected by Central Europe, Germany, France, the Czech Republic, and others. They reject that. They have refused the mortifying request of our own Secretary of Treasury that they go further into debt, spend more money as part of this wild plan to stimulate the economy with unprecedented debt. They have said no. It is irresponsible. In fact, the EU President said it is the road to hell.

The idea is, we have to pay this. This has a cost to the future. Yes, it gets money into our economy today, and in the short run there has to be some benefit, although Nobel Prize laureate Gary Becker says it is so poorly drafted—this money we are spending—that we are not going to get nearly as much financial stimulus as we should be getting from it.

And you would say: Well, we will soon begin to pay this debt down. The President says he is worried about it. We are going to pay the debt down. But the debt is not going down. The annual deficit, in the last 4 years, surges until CBO scores the 10th-year deficit, in 1 year, at $1.2 trillion. The highest deficit we have ever had prior to this year was $455 billion, and in good economic times, they are projecting a $1.2 trillion deficit. That is the annual deficit, adding to these numbers, as shown on the chart. That is why it triples. They keep going up, up, up.

There is no constraint in spending whatsoever. There is no plan to control the entitlement surge, no plan to control spending.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. In fact, the President's budget, this year, proposes to increase domestic discretionary nondefense spending by 11.5 percent. We passed, a few weeks ago, a stimulus plan to spend $800 billion—the largest single appropriations in the history of America; $800 billion—every penny of it going to the debt. Now we are going to have an 11-percent increase this year in discretionary spending on top of that? You know the rule of 7. It states that at 7-percent growth, your money doubles in 10 years. At 11.5-percent growth, our spending would double in 7 years. The entire spending of the discretionary account would double in 7 years if we maintained this incredible, colossal spending path we are on.

I think Senator GREGG is exactly right. Let's at least slow down and let's at least have the 60 votes we would normally have to pass an important piece of legislation if and when—and we certainly are heading to a point where this debt doubles—so at least to go to tripling, we ought to have another vote and slow down and ask ourselves: What in the world are we doing to our children? They are going to be carrying—at this year, as shown on the chart—$800 billion in interest that year. That assumes the interest rate is mainstream. But the truth is, with this much borrowing in these many countries around the world, we could have interest rates higher than that. If the interest rates go up, the $800 billion could become $1 trillion a year easily, and above, if the debt continues to surge.

I support the amendment. I am very worried. The numbers we are talking about on the floor are not a political dustup. This is about the future of America. The financial integrity of our country is at stake. We have never spent like this before, except in World War II when we were in a life-and-death struggle. It is not the right thing to do, and I support the amendment.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, it will be our intention, as I am able to reach Senator GREGG, that we yield back the time on the Gregg amendment—I have 13 minutes remaining, he has 11 minutes remaining—and that we go to the Boxer amendment. I ask Senator BOXER, when she is available, to come to the floor.

Let me very briefly respond to Senator SESSIONS. Let me first say that I appreciate his concern about the long-term debt, but I have to go back to the questions I was asking earlier. Where were they? Where were they when the debt was deemed doubled in the previous administration? Where were they? They were right there supporting every policy which led to that explosion of debt and which ultimately led to the sharp economic collapse we are still experiencing. This collapse is responsible for record deficits. What happens when there is a collapse? The revenue evaporates, the expenditures skyrocket, because you have more people unemployed, you have more people who need food stamps, you have more need for a stimulus package to try to give lift to the economy.

So I would just say to my colleagues, I have been concerned about debt for 22 years. I have been concerned about what it would mean to the economic security of America for 22 years. I have led fight after fight after fight on this floor, whether it was Democratic administrations or Republican administrations, to keep deficits and debt down because I believe they threaten the long-term economic security of the country. Never is it more evident than now, when we financed 68 percent of our increased debt last year through foreign entities. Some say that is a sign of strength that they are willing

to loan us all this money. I don't think it is a sign of strength; I think it is a vulnerability. When we are dependent on the Chinese to bankroll us, the Japanese to bankroll us, that gives them an extraordinary influence over us because if they decide to not show up at the bond auction one week, what would we have to do? We would either have to dramatically increase interest rates to attract capital or we would have to radically cut spending or dramatically raise taxes. All of those alternatives would be bad for the economic position of the United States for the long term.

Mr. President, I ask unanimous consent that we preserve the time remaining on the Gregg amendment—whatever time Senator GREGG still has and the time I still have—and that we set that aside and go to the Boxer amendment, and that it be in order to return to the Gregg amendment after we complete the time on the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. With that, we will momentarily go to the Boxer amendment.

I thank the Chair, yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. I ask unanimous consent that the Senate stand in recess today from 12:30 to 2:15, that the time during the recess count against the time on the budget resolution, and that it be charged equally to both sides.

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

Mr. CONRAD. Mr. President, I wish to make clear that we had that agreement between the two sides. Although Senator GREGG is not present on the floor, we had the understanding that this is how we would proceed.

With that, I note that Senator BOXER is here now and prepared to proceed on her amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 749

Mrs. BOXER. Mr. President, I really take to the floor, first of all, under the order to call up an amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 749.

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

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

The amendment is as follows:

(Purpose: To require that certain legislation relating to clean energy technologies not increase electricity or gasoline prices or increase the overall burden on consumers)

On page 33, line 21, after ''economy,'', insert ''without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation,''.

Mrs. BOXER. Mr. President, this is an amendment I have decided to offer to our colleagues as a supplement to an amendment offered by Senator THUNE.

Senator THUNE makes the point that global warming legislation should not increase electricity prices. It is very interesting because I didn't hear the concern from the other side of the aisle—it also refers to gasoline prices—when gasoline prices hit almost $5 a gallon in our home States. We didn't hear an outcry. There was no global warming legislation. It had nothing to do with it; it had to do with manipulation. We didn't hear any outcry about that.

I think Senator THUNE doesn't go far enough because we believe that revenues from a climate bill, should we pass one—and I certainly hope we will—would be used to offset any kind of an increase in electricity and gasoline prices, and we would have the revenues from a cap-and-trade system to do just that. So I think Senator THUNE's amendment doesn't go far enough. We not only don't want to see an increase in prices, we want to have the revenues coming in through cap-and-trade legislation to make consumers whole.

In his argument for his very narrow legislation, which I will be voting for—I don't have a problem with it—Senator THUNE cited a study by MIT to argue that climate legislation is a tax. In fact, the MIT study actually shows why it is important to capture the overall picture because the MIT study actually points out that the monetary value of allowances under a cap-and-trade program is something that Congress would have the option of using to give a family of four a tax rebate—a tax rebate—that could be as high as $4,500 per year by the middle of the next decade.

So I find it amazing that my Republican friends who oppose taking any action on global warming suddenly have discovered the consumer and they are worried that the consumer would pay high prices when we fight global warming when, in fact, a well-designed program—and I say to the Chair, as he is a proud member of our committee—a well-designed program, as he knows, will give us the ability to refund money to consumers and make sure they are healthy and kept whole.

So this legislation simply says that we will ensure that our legislation relating to clean energy does not increase electricity or gas prices or does not increase the overall burden on consumers, and that is the key. So it is going to be a boon for consumers.

So we will be voting for the Thune legislation and hopefully for the Boxer legislation so that we cover all of our bases and we know that global warming legislation is not going to hurt consumers but actually keep them whole and clean up their environment; it is going to create green jobs and all the rest.

I wish to spend a couple of minutes talking about this budget, and I wish to start off by thanking members of the Budget Committee. Again, my colleague in the chair is a member of the Budget Committee. They worked very hard under the leadership of Senator CONRAD to come up with a product that keeps President Obama's priorities intact, that does more for deficit reduction, and I am very pleased about it.

I wish to say that I am very pleased the American people have not fallen for the same old, same old policies of the Republicans as they try to demolish this new President and they try to destroy his reputation and try to bring him down. We don't have the charts that talk about the same old policies, so if we could get those. There is a series of charts.

I have taken to the floor before to talk about the comments of my Republican friends during the debate on the Clinton budget, and we all know—here is the message. We all know the Republicans repeat the same old politics, the same old policies that got us into this crisis.

I wish to take you back to 1993. The Republicans came to this floor, and they tried to demolish the Clinton budget. Not one of them voted for it. The Democrats had taken over from George Bush's dad. Things were in very bad shape.

This is what the Republicans said about the Clinton budget in 1993:

It is just a mockery. It is just a mockery, said Committee chairman Pete Domenici.

Senator HATCH: Make no mistake. These higher rates will cost jobs.

Phil Gramm said: I believe hundreds of thousands of people are going to lose their jobs as a result of this program—including Bill Clinton, he predicted, would lose his reelection.

Connie Mack: This bill will cost American jobs.

What happened as a result of the Clinton budget? Twenty-three million jobs were created. It was the best record ever in peacetime—the best record ever in peacetime.

Senator Roth of the other side: It will flatten the economy. It is bad policy.

And on and on and on.

Now here we have today—this is years later, more than 10 years later—the same old politics, the same old policies. Just listen to my Republican friends trashing Barack Obama's budget: disaster, disastrous, terrible, deficits as far as the eye can see. That is what they said about the Clinton budget too—deficits forever. Guess what. Guess what. Not only did we have a balanced budget under Bill Clinton by the end of his term, we had a surplus.

So as our Republican friends come to the microphone, I want my colleagues to listen carefully to their words. I am proud of the American people for seeing through this. They understand what got us into this mess. Clearly, what we can see is the same old, same old, same old; the party of nope: Nope, we can't change. Nope, nope. I, frankly, would rather be in the party of hope than the party of nope, and hope is what the American people want.

In this budget, we recover from the Republican deficit. It is true in the short-term we are going to see deficits go up. But as shown to us by Senator CONRAD, who is the biggest deficit hawk in this Senate—I challenge anyone to be more of a deficit hawk—we see we are beginning to turn these deficits back down to sustainable numbers.

We know why the American people support President Obama and the Congress right now—because they saw that George Bush took record surpluses and turned them into record deficits. The national debt increased by 85 percent. The foreign-held debt more than tripled. This is the Republican deficit we are dealing with now, and we don't like it. But we are going to fix it as we did under Bill Clinton. We fixed it then, we will fix it now. The people are smart. When Republicans come to the floor and they fight President Obama, the people in this country—Democrats, Republicans, and Independents alike—are saying give this new President a chance. He inherited this mess.

Let's look at the rest of the deficit that happened with our families. Health insurance premiums have risen, energy prices increased, college costs skyrocketed, and the gap between the wealthy and the middle class widens. That is the part of the deficit this President was left with. We are losing the middle class in this country. That is very clear. It is very clear. All you have to do is look at income levels. That is why when my Republican friends come to the floor to trash the President and the budget, they understand what has happened. It is not a mystery.

This is not a theoretical argument about who is right and who is wrong. We now know what happened in the Clinton years: the best economy in peacetime, 23 million jobs, surpluses, debt on the way down. We know what happened. When George Bush took the keys to the Oval Office, he turned it around into the Republican deficit. We know that happened. The people are smart; they get it. That is why they support this.

Let's look further. I said before when George Bush took the keys to the Oval Office, there was a surplus of $5.6 trillion. That was the projected surplus. They turned it into a deficit of $10.6 trillion. That is what happened under the Republicans. Why should we listen to what they are saying now? They are saying the same old thing. GOP, SOP, same old policies.

Now, what our President is saying is that we are going to have a road to change. That road to change is going to be paved with a few simple things. One is energy independence; two, making college affordable; three, lowering health care costs; four, middle-class tax cuts; five, cutting the deficit in half in the next several years. Let me repeat them. Energy independence, making college affordable, lowering health care costs, middle-class tax cuts, and deficit reduction.

What do my Republican friends stand for? The same old policies, the same old thing—no investment, no imagination, no realization that until we get off of foreign oil, and we lead the way on global warming, and we lead the way on lowering health care costs, we are going to be stuck in the same old place. That is why this budget is so crucial and important, because it is a roadmap of our Nation's priorities.

The President ran on these issues. He is doing what he promised he would do—everything. The American people are saying that we know times are tough, but this President is trying, this Congress is trying. That is better than the status quo. If you read anything about the years of the Great Depression, you realize that what our people wanted then was what our people want now; they want us to try. They want us to shake things up, to invest in our people, and to create the jobs that will come along with these important policies.

There are a lot of middle-class tax cuts in this budget. The President extends the child tax credit, eliminates the marriage penalty, and increases education benefits. These are important for our people. So this budget, all told, makes a lot of sense for our country.

Senator THUNE has offered an amendment in which he says electricity and gas prices should not rise as we pass global warming legislation. We agree with that. We don't think his amendment goes far enough, because what we want to see is global warming legislation that passes that uses the revenues to help consumers, that uses the revenues to invest in new technologies, that uses the revenues to create jobs, to build transportation systems, to make sure our forests continue to act as carbon sinks, taking carbon out of the air.

Mr. President, how much time do I have remaining at this point?

The PRESIDING OFFICER. Fourteen minutes.

Mrs. BOXER. Mr. President, I ask if the Chair will let me know when I have 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. BOXER. Mr. President, I said before that when my Republicans friends come to the floor, the American people should be wary. That is because they trashed the Clinton budget, and they were wrong then. Now they are trashing the Obama budget, and they are going to be wrong again. Even more than that, let's see what they said about the Bush budget—the Bush budget that led us into this mess.

Senator GREGG I have a lot of respect for, but he was wrong on the Bush budget. He said the Bush budget would drive the deficit down and produce a surplus in 2012. It is hard to believe that was the prediction. We had deficits as far as the eye could see under George Bush. The leader of the Republicans on this predicted there would be a surplus under the Bush budget. As a matter of fact, we are in the biggest economic mess since the Great Depression that this new President has to lead us out of. We need to help him. We really need to help him. It is very important that we do.

I thank the Budget Committee for including in the budget a reserve fund that will be able to make global warming legislation a reality. In other words, the committee is saying this may happen and they have set aside a reserve fund. It is important. It sets the stage for legislation. I guess the message I want to give to my colleagues who oppose any legislation—and there are a lot of them—I have bad news for them. Whether they support it or not, action on global warming has already begun. The train has left the station. The Supreme Court—this Supreme Court—voted 5 to 4 that the Clean Air Act actually does cover carbon emissions, greenhouse gas emissions and, therefore, the EPA has the power to say to our businesses: Clean up your act for the good of society.

Frankly, as far as I am concerned, knowing what I know about the consensus of scientists, I think it is urgent that the EPA act. But I also know it would be far better if this Congress acted, because if we acted, we could set up a cap-and-trade system. The EPA cannot do that without legislation. That cap-and-trade system will bring in revenues to help our businesses, help our consumers. I think at the end of the day it will lead us to millions of green jobs, a new economy, and lead us down the path of energy independence.

Let me say to my friends who will oppose the legislation when it comes—and it is coming—here is your choice: You can fight it tooth and nail and stop it any way you want. You can even say never use reconciliation, even though you supported it 17 times in the past. If that is what you want to say, say it. We already have the New England States which have come together and they are doing a cap-and-trade system. The western States have gotten together and they are doing a cap-and-trade system. We have the Midwest involved with Canada doing a cap-and-trade system. We have the EPA having to act because of the Supreme Court. We have the California waiver out there.

So we are acting on global warming. The question is: Will we do it in a way that turns this challenge into an enormous economic opportunity—and, of course, that is what I want to do. That is why so many businesses, and now

more and more labor unions, are supporting the passage of climate change legislation. Look, we know, because our own scientists have told us here at home, there are risks to public health if we don't act: more heat-related deaths, water-borne diseases from degraded water quality, more cases of respiratory disease, including lung disease, from increased smog, and children and the elderly are vulnerable. We know what the future will be like. We would never, ever, take our kids in an automobile and park it in the sunlight next to a supermarket, lock all the windows, and go inside and leave them alone. We would never do that. Well, as legislators, we cannot do that to our constituents.

The fact is we know what is happening. The IPCC, Intergovernmental Panel on Climate Change, warned us that unchecked global warming would lead to reduced snowpack in the western mountains, critically reducing access to water. We are already seeing insect invasions damaging our forests. We know that every State in this great Union will be impacted, and some are already impacted. We know that. In New York, a report predicts that northeastern cities could be hit the hardest as sea levels rise, including flooding of their subway system. We know Florida is another very vulnerable place. A huge population is exposed. New Orleans and Virginia Beach are ranked in the top 20.

It doesn't matter where you are in this country, you are going to be impacted. Your agricultural sector will be impacted, your tourism sector will be impacted, your fishing industries will be impacted.

So here is the deal: Either we pass legislation that turns this challenge into a great opportunity, gives us the resources to get us on the path to energy independence, gives us resources to create millions of green jobs, or we allow the States to do what they want to do, and that is fine. I support that. There will be various States doing their own cap-and-trade system. The whole world will do it. But Members of the Senate will think, oh, if that is what they choose to do, that is their choice. But we will fight global warming, and we already are. It is just that we are not doing it in a way that is beneficial to our working people, our families, and our children.

I have to tell you a story. We had yet another hearing in the Environment Committee on the latest science on global warming. We heard what we expected to hear—the predictions are getting more and more dire. The Republicans invited a witness, and I think the occupant of the chair will remember this. He was a very good witness. But at the end of his remarks he lost his way. This is what he said:

> I don't know why everybody is so worried about high levels of $CO_2$. We have had levels that have hit a thousand parts per million before, and everything was just fine.

I asked him:

> Sir, you are an expert. When was it?

He said:

> Eighty million years ago.

I said:

> Who lived then?

He said:

> The dinosaurs.

I have to say that is not an answer I am going to give to my grandkids—that in order for them to live in the future, they are going to have to become dinosaurs or they won't make it. This is ridiculous.

The Senate is the last place to get the message. We are going to do everything we can to bring legislation later. I know what the Budget Committee did was a sound decision. They said we are not getting into it, but if the committees do act, we will set aside a reserve fund, so they can make sure there will be an order when they do act.

I am very happy to say that my House colleagues are working on legislation. The prospects are looking very good over there. We will be ready to go. But let me say this: The choice is between a livable world and one that is not livable. If my colleagues cannot understand this, then I am very sorry. But in any case, we are going to fight global warming. We will do it in the right way.

We are going to have an amendment that goes beyond what Senator THUNE has done. I am going to tell my colleagues to support the Thune amendment and the Boxer amendment so that we make sure our consumers are kept whole as we move forward with legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the chairman.

Mr. CONRAD. Will the Senator yield for just a moment?

Mr. SESSIONS. I will be delighted to.

Mr. CONRAD. If I might inquire of the Parliamentarian, how much time remains on the Boxer amendment?

The PRESIDING OFFICER. The sponsor has 3 minutes 49 seconds. The time has just begun for the opposition.

Mr. CONRAD. Mr. President, I say to Senator SESSIONS, does he wish to use time in opposition to this amendment?

Mr. SESSIONS. Yes.

Mr. CONRAD. We will yield whatever time the Senator might consume in opposition on this amendment.

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

Mr. SESSIONS. Mr. President, as we get into this debate——

Mr. CONRAD. Mr. President, if the Senator will withhold, I can see there is a little consternation. We are yielding off Senator GREGG's time to Senator SESSIONS.

Mr. SESSIONS. And, Mr. President, how much time is left on the Boxer amendment?

The PRESIDING OFFICER. The opposition has 28½ minutes.

Mr. SESSIONS. Mr. President, first, I want to repeat the situation in which we find ourselves. My colleagues are quick to say President Bush spent us into bankruptcy, that he did all this reckless spending and that is the problem we have today. President Bush, in my opinion, did spend too much money and the debt was too high during his 8 years in office.

Last spring, I voted against sending out $160 billion in checks. I didn't think that was a good policy. The Democratic majority here supported that steadfastly, overwhelmingly. Spend, spend, spend is what we have been seeing over there over the years and, in fact, with this big majority they have, and on the budget, Republicans are not able to take the heat, Republicans are not able to say to my colleagues, they have the votes, they can pass whatever budget they want.

What I do want to say is that these are some accurate figures about the Bush budget: His worst deficit in 2003 was after 9/11, after he inherited an economic slowdown. The tech bubble had burst. When he took office, the day he took office, the Nasdaq had already collapsed and lost half its value. We were in a recession. Then we were attacked 9 months later, and the money got spent. At one point we ended up with a $412 billion deficit. We thought it was horrible. But in 3 years, that deficit was reduced until fiscal year 2007, when we had a deficit of $161 billion. We worked it down and were heading in the right direction. Then last year he sent out those checks and we had an economic slowdown and both Houses, controlled by the Democrats, voted overwhelmingly to spend another $160 billion to stimulate the economy. It didn't work, and we ended up with a $455 billion deficit.

In the third year of the Democratic majority in the Congress and in the Presidency of Barack Obama and not all of this money can be traced to him, but much of it can—our deficit this year will not be $455 billion. It will not be $800 billion. It will not be $1 trillion. It will not be $1.4 trillion. It will be $1.8 trillion this year. Nothing has ever been seen like this before, ever. Next year, it will be over $1 trillion. In the outyears of the President's 10-year budget, it will be increasing the annual deficit $1 trillion. In fact, in the 10th year of his budget, according to our own Congressional Budget Office, basically hired by the Democratic majority here, they are scoring the deficit that year to be $1.2 trillion, added to the other. That is why this irrefutable chart shows that the debt goes from $5 trillion to $11 trillion, doubling, and then tripling in 10 years. That is not sustainable, as our Budget chairman has said.

Mr. President, I see my colleagues are on the floor. I will be pleased to have a discussion with them about the reconciliation process. Let me just say this: In a time of economic hardship, when families are struggling to pay

their bills and businesses are laying off people in order to survive, the last thing we need are major tax increases. Raising taxes hurts the family budget and kills jobs. Yet the President's budget contains the largest tax increase in American history, $1.5 trillion over the next 10 years.

Again, I note that the deficit is not because we are not increasing taxes. We are increasing taxes. The spending is so great it still triples the debt.

Mr. ENSIGN. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. I will be pleased to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Was the Senator aware that the President's budget proposes a new national energy tax that will be paid by every person who turns on a light switch, heats their home, or puts gasoline in their car?

Mr. SESSIONS. That is correct. Under the President's plan, the average American family will see their energy bills increase up to $3,128 each year. Not over 10 years, but each year. That is how much it will go up.

In a candid moment when he was still a candidate, President Obama admitted:

> Under my plan of a cap-and-trade system, electric rates would necessarily skyrocket.

Mr. THUNE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SESSIONS. I will be pleased to yield to Senator THUNE from South Dakota.

Mr. THUNE. Mr. President, is the Senator from Alabama aware that the President's Director of the Office of Management and Budget admitted the same thing last year when he was the Director of the Congressional Budget Office? Peter Orszag said:

> Under a cap-and-trade program, firms would not ultimately bear most of the costs . . . but instead would pass them along to their customers in the form of higher prices . . . price increases would be essential to the success of a cap-and-trade program.

Mr. SESSIONS. Not only did he say that, last Wednesday OMB Director Orszag said that jamming a new national energy tax through the Senate with very limited debate and ability to amend under the reconciliation is, and I quote—

> not off the table.

In fact, the House of Representatives is very clear about this plan. Section 202 of the House of Representatives budget resolution states:

> reconciliation in the Senate. (Senate reconciliation instructions to be supplied by the Senate.)

Since the House has a Rules Committee, which allows them to pass bills with minimal debate, this is clearly intended, not to affect their procedures, but to make sure that the conference on the budget adds this provision so it can be jammed through the Senate.

Mr. ENSIGN. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SESSIONS. I will be pleased to yield to Senator ENSIGN from Nevada.

Mr. ENSIGN. Mr. President, is the Senator aware of what one of the authors of the Budget Act, the esteemed Senator from West Virginia, has to say about this? He said:

> Americans have an inalienable right to a careful examination of proposals that dramatically affect their lives. I was one of the authors of the legislation that created the budget reconciliation process in 1974, and I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

Does the Senator agree with this view?

Mr. SESSIONS. Mr. President, I fully agree, I say to Senator ENSIGN, with Senator BYRD's view. Senator BYRD wrote this legislation. He also wrote the book, literally, on Senate rules. He is our conscience of the Senate in terms of the great historic role of the American Senate.

Senator BYRD has also said this:

> Using the reconciliation process to enact major legislation prevents an open debate about critical issues in the full view of the public. Health reform and climate change are issues that, in one way or another, touch every American family. Their resolution carries serious economic and emotional consequences. The misuse of the arcane process of reconciliation . . . to enact substantive policy changes is an undemocratic disservice to our people and to the Senate's institutional role.

Mr. President, I ask unanimous consent that it not be in order in the Senate to consider any conference report or House amendment on the fiscal year 2010 budget resolution which contains reconciliation instructions for the Senate.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, what I am concerned about is, according to MIT, if we did a cap-and-trade system and we did it right, a family of four would get a tax rebate of $4,500. What is happening here is they are trying to make it more difficult for us to get a cap-and-trade system, get the revenues, and return $4,500 per family. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. SESSIONS. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Alabama does still have the floor.

Mr. SESSIONS. I will be glad to yield for a question. I have another request to offer.

Mr. CONRAD. I am happy to have the Senator proceed.

Mr. SESSIONS. Mr. President, I say to Senator BOXER, we will have more in-depth discussion of the cost of this program, but it is not without cost. The President and the Director of the Office of Management and Budget have admitted clearly there will be costs of very large amounts passed forward to our constituents.

No. 2, and since it is such an incredibly monumental, colossal intervention and tax on the American economy, it certainly needs more debate than the limited hours that would be given under the budget process. That is what we were asking, that it be treated in the normal order of business and not expedited with a simple majority vote and a limited number of hours of debate. That is what the objection is to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Senator yield for a question?

Mr. SESSIONS. I will yield to the Senator, our chairman.

Mr. CONRAD. In the budget resolution that is before us that came out of the committee, the committee on which the Senator serves, are there any reconciliation instructions for any purpose?

Mr. SESSIONS. That is a good question, and I will be pleased to answer our chairman. No, it did not, and I think that was the chairman's preference, his stated preference, and other Democrats on the committee did not want this reconciliation language in the Senate budget. But the language is in the House budget.

Senator HARRY REID, the majority leader, has said it is not off the table, as you know, that this might be included in the final conference package. And as you know, since it is in the House language, Senator REID will appoint the conferees, a majority of the conferees. And if he so says, the language will be in the final package that could come before the Senate, which terrifies people who believe in the great historic role of the Senate. That is what our concern is today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, if I could further inquire of my colleague—and I thank him for his response—has not the Speaker of the House indicated there is no intention of including a reconciliation instruction with respect to climate change in the House provisions?

Mr. SESSIONS. I am not aware of that. Maybe some of my colleagues might have heard that, but my understanding is that our leader says it might be included. In fact, he went so far as to say the revenue that would surge into the Treasury from the cap-and-trade could be used to finance health care. So that is a matter that is important to us.

If the Senator shares my concern, I find it odd that he would object—or Senator BOXER would object to language in this resolution calling on us not to accept it.

Mr. CONRAD. Might I further inquire, Mr. President, of my colleague: Wouldn't it be logical for me to object if my conclusion is that there is not going to be any reconciliation instruction with respect to cap and trade?

We don't have it in the Senate resolution before us. The Speaker of the

House has made clear they are not going to have a reconciliation instruction to be used in the House with respect to climate change legislation. I must say, I understand the concern, but I don't think there is a basis for it. I don't think there is a prospect that there is going to be the use of reconciliation for the purpose of climate change resolution coming back from the conference committee. It is not in the Senate, the Speaker has made clear they do not intend to use it on the House side, so I would just say to my colleagues that I understand the concern, I understand making the point—that is fully legitimate—but I don't think it is a concern that is based on what is going to happen.

There are plans on the House side to use reconciliation for health care and for education. That clearly is part of their resolution. Not part of ours; but part of theirs. So I have to say to my colleagues, I don't think there is a basis for concern that the reconciliation process is going to be used for climate change legislation.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. Mr. President, I have the floor, and I would be pleased to yield for a question from the Senator from New Hampshire.

Mr. GREGG. Mr. President, is it not true that under the rules of reconciliation, an instruction to the House Energy and Commerce committee that is contemplated for purposes of health care, for example, would not prevent that committee's ability to use the reconciliation process for the purposes of climate change legislation because a reconciliation instruction cannot specifically state which matters within its jurisdiction a committee should address to comply with its reconciliation instruction, which is only a dollar number?

Mr. SESSIONS. I think the distinguished ranking member of the Budget Committee is correct. Having read the House language on reconciliation, it appears to me, quite clearly, that if it is accepted in final passage of the bill, after conference, it would give the Senate the power to enact cap-and-trade or health care legislation without the normal processes of the Senate.

Would the ranking member not agree?

Mr. GREGG. Mr. President, I would agree, and I am wondering why we would need reconciliation instructions. I ask the Senator this question: Why would the House need reconciliation instructions? Do they not have a Rules Committee? Would not the only purpose of reconciliation instructions in a House bill be to have a conference report approve a reconciliation instruction, which would tie the hands of the Senate? It certainly wouldn't tie the hands of the House, would it? In tying the hands of the Senate, it would allow Senate committees to reconcile the issue of a cap-and-trade bill and create a carbon tax—or a national sales tax—every time somebody turns on a light switch in America; and there would be no way to limit that once there is a reconciliation instruction in a conference report.

Mr. SESSIONS. I believe the Senator is absolutely correct. In other words, the House can pass anything on a simple majority, and Speaker PELOSI has a pretty good machine over there. They can pass whatever they want to pass. They do not need reconciliation. Why did they put reconciliation in their bill? They put it in there because it could be accepted in the final conference report and give the power to the Senate to use it to deny the historic debate rules of our Senate. Wouldn't that be a logical conclusion?

Mr. GREGG. I think the Senator from Alabama is absolutely right; that could be the only conclusion. Is there any other conclusion that can be reached? I don't believe there is. The only purpose of a reconciliation instruction in a House bill is for the purposes of controlling the floor of the Senate—not the floor of the House—and set up the possibility of passing it in a conference report.

Mr. SESSIONS. I would agree.

Mr. THUNE. Would the Senator from Alabama yield for a further question?

Mr. SESSIONS. I would be pleased to yield to the Senator from South Dakota.

Mr. THUNE. Mr. President, I appreciate very much the observation that was made about the purpose of reconciliation and the Rules Committee in the House. The House very clearly has the power to regulate what comes to the floor and what amendments are made in order. Reconciliation instructions in the House bill are clearly directed at a House-Senate conference and reserving the opportunity—the option—to actually do something with respect to these other issues.

I wish to point out, too—and I wish to ask a question of the Senator from Alabama regarding the conference committee—even though I believe the best intentions of the Senator from North Dakota and I believe he is sincere when he says he doesn't want to use reconciliation to do cap and trade and to do other types of policy through the budget process—there is a statement from the majority leader talking about the novel proposal for redoing the Nation's health care system, suggesting that using $646 billion that would be collected under a controversial Obama proposal to auction off greenhouse gas pollution allowances. The exact quote is: ''That's exactly how much we need for the first phase of health care reform.''

My question to my colleague from Alabama is: If, in fact, you get into a conference setting and you want to do health care reform—which clearly they have indicated they would like to do through reconciliation—it has to be paid for somehow, does it not? It is suggested here, I think from at least the majority leader, that the revenues available through cap and trade might, in fact, be used for that.

Would it not be possible in a conference committee setting—despite the best intentions of the Senator from North Dakota—for the members of that conference to decide to use that reconciliation process to create revenues through a cap-and-trade program that might be used to accomplish the financing of health care reform through that bill?

Mr. SESSIONS. I agree with my colleague, Senator THUNE.

Look, we are all grownups here. We know how the Senate works. We know how things are handled. We offered an amendment to put E-Verify in the stimulus bill in order to check the citizenship of people before they get jobs under the stimulus package. It was in the House bill, but we were not able not to have a vote in the Senate. The majority party knew exactly what they intended to do. When it went to conference, they took out the language, but everybody in the House could say they voted for it.

This is the same kind of situation. The language is now in the House bill, which they do not need. They do not need that language to pass anything in the House. But if it were to be accepted by the Senate, and Senator REID has indicated he might do that, if they accept it in conference, then cap-and-trade or health care reform could be passed without the classical historic debate this Senate is used to having. That is why our conscience of the Senate, Senator ROBERT BYRD, has said this is bad, it should not happen, and it demeans the Senate. He used very clear language.

Mr. REID. Mr. President, would my friend yield for a unanimous consent request?

Mr. SESSIONS. Reserving the right to retain the floor, I yield to the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed; and that no intervening amendments be in order to any of the amendments covered in this agreement; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the following form; that after the first vote in this sequence, the vote time be limited to 10 minutes each; and that all time utilized during the votes count against the time on the budget resolution: Boxer No. 749, Thune No. 731, and Gregg No. 739.

Those are the three amendments.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to my friend from Alabama.

Mr. SESSIONS. Mr. President, we know this is a big deal—a very, very, very big deal that we are discussing. If my friend, Senator CONRAD, is correct, and he didn't put it in his committee

report, when we try to make it a clear statement that the Senate would not accept this language if it came out of conference, why would Senator BOXER object? We have seen these maneuvers before.

Without this language, we would be in a position in which the leadership of the Senate could move forward with legislation that would use reconciliation to pass other bills. So I would make another unanimous consent request, Mr. President.

I ask unanimous consent that it not be in order in the Senate to consider any conference report or House amendment on the fiscal year 2010 budget resolution which reconciles any of the following Senate committees: The Committee on Environment and Public Works, the Committee on Finance, and the Committee on Energy.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. It is hard for me to believe that three or four Senators come to the floor to try to control the agenda of the various committees, which we are very proud to serve on.

I also wish to say that 19 times since 1980 has reconciliation been used, and by far and away more times by the Republicans—namely, 13 times they used it. They never came here and complained. They used it. I have the record.

Mr. President, I ask unanimous consent to have printed in the RECORD the number of times Republicans have used reconciliation.

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

RECONCILIATION MEASURES ENACTED INTO LAW, 1980 TO THE PRESENT

1. OMNIBUS RECONCILIATION ACT OF 1980

P.L. 96–499 (December 5, 1980)

This act, signed into law by President Jimmy Carter, was the first reconciliation bill to pass the House and Senate. It was estimated to reduce the FY 1981 deficit by $8.276 billion, including $4.631 billion in outlay reductions and $3.645 billion in revenue increases.

Major spending changes affected such areas as child nutrition subsidies; interest rates for student loans; ''look back'' COLA benefit provisions for retiring federal employees; highway obligational authority; railroad rehabilitation, airport development, planning, and noise control grants; veterans' burial allowances; disaster loans; Medicare and Medicaid; unemployment compensation; and Social Security.

Major revenue changes affected such areas as mortgage subsidy bonds; payment of estimated corporate taxes; capital gains on foreign real estate investments; payroll taxes paid by employers; telephone excise taxes; and the alcohol import duty.

[1980 Congressional Quarterly Almanac, pp. 124–130]

2. OMNIBUS BUDGET RECONCILIATION ACT OF 1981

P.L. 97–35 (August 13, 1981)

President Ronald Reagan used this act, along with a non-reconciliation bill, the Economic Recovery Tax Act of 1981 (P.L. 97–34), to advance much of his agenda in his first year in office. OBRA of 1981 was estimated to reduce the deficit by $130.6 billion over three years, covering FY1982–FY1984.

Major spending changes affected such areas as health program block grants; Medicaid; television and radio licenses; Food Stamps; dairy price supports; energy assistance; Conrail; education program block grants; Impact Aid and the Title I compensatory education program for disadvantaged children; student loans; and the Social Security minimum benefit.

[1981 Congressional Quarterly Almanac, pp. 256–266]

3. TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

P.L. 97–248 (September 3, 1982)

This act, one of two reconciliation measures signed by President Reagan in 1982, was estimated to increase revenues by $98.3 billion and reduce outlays by $17.5 billion over three years, covering FY1983–FY1985.

Major spending changes affected such areas as Medicare, Medicaid, aid to families with dependent children (AFDC), child support enforcement (CSE), supplemental security income (SSI), unemployment compensation, and interest payments on U.S. savings bonds.

Major revenue changes affected such areas as the alternative minimum tax, medical and casualty deductions, pension contribution deductions, federal employee payment of the FICA tax for Medicare coverage, accelerated depreciation and investment tax credits, corporate tax payments, foreign oil and gas income, corporate tax preferences, construction deductions, insurance tax breaks, ''safe-harbor leasing,'' corporate mergers, withholding on interest and dividends, aviation excise taxes, unemployment insurance, telephone and cigarette excise taxes, and industrial development bonds.

[1982 Congressional Quarterly Almanac, pp. 29–39 and 199–204]

4. OMNIBUS BUDGET RECONCILIATION ACT OF 1982

P.L. 97–253 (September 8, 1982)

This act, the second of two reconciliation measures signed by President Reagan in 1982, was estimated to reduce outlays by $13.3 billion over three years, covering FY1983–FY1985.

Major spending changes affected such areas as payments to farmers, dairy price supports, Food Stamps, inflation adjustments for federal retirees, lump-sum premiums for FHA housing insurance, user fees on Veterans Administration-backed home loans, veterans' compensation and benefits, and reduction in the membership of the Federal. Communications Commission and the Interstate Commerce Commission.

[1982 Congressional Quarterly Almanac, pp. 199–204]

5. OMNIBUS BUDGET RECONCILIATION ACT OF 1983

P.L. 98–270 (April 18, 1984)

Initial consideration of this act occurred in 1983, but final action did not occur until 1984. It was estimated to reduce the deficit by $8.2 billion over four years, covering FY1984–FY1987.

Major spending changes affected such areas as limitation and delay of federal civilian employee pay raises, delay of federal civilian and military retirement and disability COLAs, delay of veterans' compensation COLAs, and disaster loans for farmers.

[1983 Congressional Quarterly Almanac, pp. 231–239, and 1984 Congressional Quarterly Almanac, p. 160]

6. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

P.L. 99–272 (April 7, 1986)

Initial consideration of this act occurred in 1985, but final action did not occur until 1986. The act was estimated to reduce the deficit by $18.2 billion over three years, covering FY1986–FY1988.

Major spending changes affected such areas as student loans, highway spending, veterans' medical care, Medicare, Medicaid, and trade adjustment assistance.

Major revenue changes affected such areas as the cigarette tax, excise taxes supporting the Black Lung Trust Fund, unemployment tax exemptions, taxation of railroad retirement benefits, airline employee income subject to taxation, and the deduction of research expenses of multinational firms.

[1986 Congressional Quarterly Almanac, p. 521 and pp. 555–559]

7. OMNIBUS BUDGET RECONCILIATION ACT OF 1986

P.L. 99–509 (October 21, 1986)

The act was a three-year reconciliation measure, covering FY1987–FY1989. An estimated $11.7 billion in deficit reduction contributed to the avoidance of a sequester (i.e., across-the-board spending cuts in non-exempt programs to eliminate a violation of the applicable deficit target under the Gramm-Rudman-Hollings Act) for FY 1987.

Major spending changes affected such areas as Medicare, Medicaid, agricultural income support payments, loan asset sales, federal employee retirement programs, federal subsidy for reduced-rate postage, federal financing for fishing vessels or facilities, retirement age limits, and elimination of the trigger for Social Security COLAs.

Major revenue changes affected such areas as the tax treatment of the sale of the federal share of Conrail, commercial merchandise import fee, increased penalty for untimely payment of withheld taxes, denial of certain foreign tax credits, and the oil-spill liability trust fund.

[1986 Congressional Quarterly Almanac, pp. 559–576]

8. OMNIBUS BUDGET RECONCILIATION ACT OF 1987

P.L. 100–203 (December 22, 1987)

The act, a three-year reconciliation measure, covering FY1988–FY1990, was the final reconciliation measure signed by President Reagan. Together with an omnibus appropriations act (P.L. 100–202), the reconciliation act implemented the $76 billion in deficit reduction over FY1988 and FY1989 called for in a budget summit agreement reached after a sharp decline in the stock market in October.

Major spending changes affected such areas as Medicare, Medicaid, agricultural target prices, farm income support payments, deferral of lump-sum retirement payments to federal employees, Postal Service payments into retirement and health benefit funds, the Guaranteed Student Loan program, Nuclear Regulatory Committee license fees, and National Park user fees.

Major revenue changes affected such areas as home mortgage interest deduction, deduction of mutual fund expenses, ''completed contract'' method of accounting, repeal of installment-sales accounting, ''master-limited'' partnerships, and accelerated payments of corporate estimated taxes.

[1987 Congressional Quarterly Almanac, pp. 615–627]

9. OMNIBUS BUDGET RECONCILIATION ACT OF 1989

P.L. 101–239 (December 19, 1989)

The act, signed into law by President George H.W. Bush, reflected one-year reconciliation directives in the Senate (for FY1990) and two-year directives in the House (for FY1990 and FY1991). It was estimated to contain $14.7 billion in deficit reduction, which represented about half of the deficit reduction envisioned in a budget summit agreement reached earlier in the year (the remaining savings were expected to occur largely in annual appropriations acts).

Major spending changes affected such areas as Medicare, Medicaid, veterans' housing

loans, agricultural deficiency payments and dairy price supports, the Supplemental Loans for Students (SLS) program, Federal Communications Commission and Nuclear Regulatory Commission fees, vaccine injury compensation amendments, and the Maternal and Child Health Block Grant program.

Major revenue changes affected such areas as the exclusion for employer-provided education assistance, targeted-jobs tax credit, mortgage revenue bonds, self-employed health insurance, low-income housing credit, treatment of junk bonds, and research and experimentation credits.

[1989 Congressional Quarterly Almanac, pp. 92–113]

10. OMNIBUS BUDGET RECONCILIATION ACT OF 1990

P.L. 101–508 (November 5, 1990)

This five-year reconciliation act, covering FY1991–FY1995, implemented a large portion of the deficit reduction required by an agreement reached during a lengthy budget summit held at Andrews Air Force Base. According to the Senate Budget Committee, the act was estimated to reduce the deficit by $482 billion over 5 years, including $158 billion in revenue increases and $324 billion in spending cuts and debt service savings.

Major spending changes affected such areas as Medicare, Medicaid, agricultural loans, acreage reduction, deposit insurance premiums, mortgage insurance premiums, collection of delinquent student loans, OSHA penalties, aid to families with dependent children (AFDC), child support enforcement (CSE), supplemental security income (SST), unemployment compensation, child welfare and foster care, Social Security, abandoned mines, Environmental Protection Agency, federal employee retirement and health benefits, veterans' compensation and disability payments, airport ticket fees, customs user fees, and tonnage duties.

Major revenue changes affected such areas as individual income tax rates, the alternative minimum tax, limitation on itemized deductions, excise taxes on alcoholic beverages and tobacco products, motor fuel excise taxes, and Superfund tax extension.

The public debt limit was increased from $3.123 trillion to $4.145 trillion.

[1990 Congressional Quarterly Almanac, pp. 138–173]

11. OMNIBUS BUDGET RECONCILIATION ACT OF 1993

P.L. 103–66 (August 10, 1993)

This five-year reconciliation act, covering FY1994–FY1998, was signed by President Bill Clinton in the first year of his Administration. According to the Senate Budget Committee, the act reduced the deficit by $496 billion over five years, including $241 billion in revenue increases and $255 billion in spending cuts and debt service savings.

Major spending changes affected such areas as Medicare, Medicaid, Food Stamps, auction of the radio spectrum, student loan programs, veterans' benefits, agricultural price supports, crop insurance, liabilities of the Postal Service, and Nuclear Regulatory Commission fees.

Major revenue changes affected such areas as a fuels tax increase, maximum individual income tax rates, maximum corporate income tax rate, small business tax incentives, empowerment zones, and unemployment insurance surtax.

The public debt limit was increased from $4.145 trillion to $4.9 trillion.

[1993 Congressional Quarterly Almanac, pp. 107–139]

12. PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

P.L. 104–193 (August 22, 1996)

This six-year reconciliation act, covering FY1997–FY2002, was estimated to reduce the deficit by $54.6 billion over that period.

Major spending changes affected such areas as temporary assistance for needy families (TANF), work requirements, supplemental security income (SSI), child support enforcement (CSE), restrictions on benefits for illegal aliens, Child Care and Development Block Grant, child nutrition, Food Stamps, teenage pregnancies, and abstinence education.

[1996 Congressional Quarterly Almanac, pp. 6–3 through 6–24]

13. BALANCED BUDGET ACT OF 1997

P.L. 105–33 (August 5, 1997)

This five-year reconciliation act, covering FY1998–FY2002, was one of two reconciliation acts signed by President Clinton in 1997 and largely contained spending provisions. According to the Senate Budget Committee, the two acts together reduced the deficit by $118 billion over five years, including spending cuts and debt service savings of $198 billion and $80 billion in revenue reductions.

Major spending changes affected such areas as Medicare, Medicaid, children's health initiative, electromagnetic spectrum auction, Food Stamps, temporary assistance to needy families (TANF), supplemental security income (SSI), increased contributions to the Civil Service Retirement System, subsidized housing, and veterans' housing.

The public debt limit was increased from $5.5 trillion to $5.95 trillion.

[1997 Congressional Quarterly Almanac, pp. 2–27 through 2–30 and pp. 2–47 through 2–61]

14. TAXPAYER RELIEF ACT OF 1997

P.L. 105–34 (August 5, 1997)

The second of the two reconciliation measures enacted in 1997, this five-year reconciliation act, covering FY1998–FY2002, largely included revenue provisions.

Major revenue changes affected such areas as a child tax credit, education tax incentives (including the HOPE tax credit, the lifetime learning credit, and education savings accounts), home office deductions, capital gains tax cut, the ''Roth IRA,'' gift and estate tax exemptions, corporate alternative minimum tax repeal, renewal of the work opportunity tax credit, and the airline ticket tax.

[1997 Congressional Quarterly Almanac, pp. 2–27 through 2–46]

15. ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

P.L. 107–16 (June 7, 2001)

This 11–year reconciliation act, covering FY2001–2011, advanced President George W. Bush's tax-cut agenda during the first year of his Administration. According to the Senate Budget Committee, revenue reductions, together with outlay increases for refundable tax credits, reduced the projected surplus by $1.349 trillion over FY2001–FY2011. The tax cuts were scheduled to sunset in ten years in order to comply with the Senate's ''Byrd rule'' against extraneous matter in reconciliation legislation (Section 313 of the Congressional Budget Act of 1974).

Major revenue changes affected such areas as individual income tax rates, the ''marriage penalty,'' child tax credit, estate and gift taxes, individual retirement accounts and pensions, charitable contributions, education incentives, health insurance tax credit, flexible spending accounts, research and experimentation tax credit, and adoption tax credit and employer adoption assistance programs.

[CRS Report RL30973, 2001 Tax Cut: Description, Analysis, and Background, by David L. Brumbaugh, Bob Lyke, Jane G. Gravelle, Louis Alan Talley, and Steven Maguire]

16. JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

P.L. 108–27 (May 28, 2003)

This 11–year reconciliation act, covering FY2003–2013, was estimated to reduce revenues by $349.667 billion over that period.

Major revenue changes affected such areas as the acceleration of certain previously-enacted tax reductions (including expansion of the child tax credit and the 10% bracket), increased bonus depreciation and section 179 expensing, taxes on dividends and capital gains, the Temporary State Fiscal Relief Fund, and special estimated tax rules for certain corporate estimated tax payments.

[Joint Committee on Taxation, Estimated Budget Effects of the Conference Agreement for H.R. 2, The ''Jobs and Growth Tax Relief Reconciliation Act of 2003,'' JCX–55–03, May 22, 2003]

17. DEFICIT REDUCTION ACT OF 2005

P.L. 109–171 (February 8, 2006)

This five-year reconciliation act, covering FY2006–FY2010, was one of two reconciliation acts signed by President George W. Bush in 2006 (initial consideration of both measures occurred in 2005). This act, the spending reconciliation bill, was estimated to reduce the deficit over the five-year period by $38.810 billion.

Major spending changes affected such areas as Medicare, Medicaid, State Children's Health Insurance Program (SCHIP), student loan interest rates and lenders' yields, electromagnetic spectrum auction, digital television conversion, grants for interoperable radios for first responders, low-income home energy assistance program (LIHEAP), Federal Deposit Insurance Corporation premium collections, agricultural conservation programs, Katrina health care relief, and Pension Benefit Guarantee Corporation (PBGC) premiums.

[CRS Report RL33132, Budget Reconciliation Legislation in 2005–2006 Under the FY2006 Budget Resolution, by Robert Keith]

18. TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

P.L. 109–222 (May 17, 2006)

This act, the second of two reconciliation bills enacted in 2006, was the revenue reconciliation bill. It was estimated to increase the deficit over the five-year period covering FY2006–FY2010 by $69.960 billion.

Major revenue changes affected such areas as tax rates on dividends and capital gains, the alternative minimum tax for individuals, delay in payment date for corporate estimated taxes, controlled foreign corporations, FSC/ETI binding contract relief, elimination of the income limitations on Roth IRA conversions, and withholding on government payments for property and services.

[CRS Report RL33132, Budget Reconciliation Legislation in 2005–2006 Under the FY2006 Budget Resolution, by Robert Keith]

19. COLLEGE COST REDUCTION AND ACCESS ACT OF 2007

P.L. 110–84 (September 27, 2007)

This six-year reconciliation act, covering FY2007–FY2012, was estimated to reduce the deficit over that period by $752 million.

Major spending changes affected provisions relating to lenders and borrowers involved with the Federal Family Education Loan program and the William D. Ford Direct Loan program.

[CRS Report RL34077, Student Loans, Student Aid, and FY2008 Budget Reconciliation, by Adam Stoll, David P. Smole, and Charmaine Mercer]

Mrs. BOXER. I object to the Senator's unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, that clearly states where we are headed.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. I yield to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I would ask the Senator from Alabama this: The Senator from California has correctly stated that reconciliation has been used often in this body before. It was used by President Clinton, since I have been here. It was used by President Bush. I voted for most of the different reconciliation bills. But is it not true that reconciliation, when it has been used before—even though used for significant events—has always been used for already existing policy; whether it is changing the rates of taxes, whether it is changing the way the welfare system was adjusted relative to who was covered or whether it was changing the way we deal with student loans?

It was always used on existing policy that had been pretty well aired on the floor of the Senate. It has never been used for the purpose of creating, ab initio, a brand new major tax, which would essentially tax every American every time they turn on their light switch—a national sales tax—which would introduce industrial policy and which would affect virtually every American as to their jobs—sending many of them overseas—and as to the ability to be competitive. Has it ever been used for such a broad, extensive public policy event of creating massive new taxes that don't exist today—a national sales tax—and massive new industrial policy?

It would mean that policy and those taxes would come across this floor without amendment, with 20 hours of debate, and an up-or-down vote. Has it ever been used in that context in the Senate?

Mr. SESSIONS. No. In fact, few pieces of legislation this Senate has ever considered will have as much broad-based complexity and impact on our economy as a cap-and-trade system, period. That is why Senator BYRD, the conscience of the rules of the Senate, said:

> Using the reconciliation process to enact major legislation prevents an open debate about the critical issues in full view of the public. Health reform and climate change are issues that in one way or another touch every American family. Their resolution carries serious economic and emotional consequences. The misuse of the arcane process of reconciliation . . . to enact substantive policy change is an undemocratic disservice to our people and to the Senate's institutional role.

That is what Senator BYRD, the Democratic Senator who wrote the reconciliation bill and who has written a book on the rules of the Senate, has stated.

Mr. President, I have one more unanimous consent request. I ask unanimous consent that it shall not be in order to consider any reconciliation bill in the Senate that raises energy prices.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the problem with this—and I could support it if it were made clearer—is it doesn't take into account that we could have some very important new programs that actually result in consumers getting rebate checks. So you may have an increase temporarily, before we get free of foreign oil, in an energy cost that is totally offset by a refund and a rebate. So this would hamper the committees from doing what MIT says we should do, which is, when we do tackle this issue of energy independence, make sure we have the revenues to rebate funds back to the American people.

I do not want to block the possibility of that so I am going to object in a moment. But I have to respond to Senator GREGG. This is the first time I saw the Reagan revolution be so downplayed by my Republican friends. ''Oh, nothing new was done by reconciliation.''

It was the Reagan revolution. It was Bill Clinton changing welfare as we know it. I have it all here. So let's not say now, oh, the 13 times the Republicans supported reconciliation it wasn't anything major; it was little minor things.

The record is replete with what reconciliation did. Why are they so afraid of reconciliation? They embraced it time after time. Don't be so fearful of the rules of the Senate. Reconciliation is a rule allowed by the Senate. Let's not say we could never do it again, never look at it again. It doesn't make any sense.

I am going to object to this because I think in the end it could cost consumers more.

The PRESIDING OFFICER. Objection is heard. The time of the opposition has expired.

Mr. SESSIONS. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The time in opposition has expired.

Mr. CONRAD. The time on both sides has expired.

The PRESIDING OFFICER. Two minutes is remaining under Senator BOXER's time on Senator BOXER's amendment.

The Senator from North Dakota is recognized.

Mr. CONRAD. I must say when the assertion is made reconciliation has not been used for significant things in the past, that is not so. Welfare reform——

Mr. GREGG. Will the Senator yield on that point?

Mr. CONRAD. No, I am going to complete my thought and then I will be happy to yield. Welfare reform was not a significant policy change? Absolutely it was. That was during the Clinton administration.

The tax changes that were made during the Bush administration were made under reconciliation. That to me was an absolute, total abuse of reconciliation. Reconciliation was designed for deficit reduction. The place where I would agree with the Senator is, I don't believe reconciliation was ever intended to write major substantive legislation. But to suggest that has not been done in the past is not so.

Our Republican friends were leading the way in abusing what reconciliation is about. That is a fact. To suggest it has not been used for major changes is not so.

I want to say something else. I have said repeatedly, publicly and privately, that I do not think reconciliation is the appropriate way to do climate change legislation or to do health care reform or other major substantive legislation if it is not deficit reduction. That is the position I have taken.

The fact is, in this resolution before us, there is no use of reconciliation for any purpose. I want the public to be very clear. In this resolution there is no reconciliation instruction for any purpose.

In the House, the Speaker has made very clear reconciliation would not be used for climate change legislation.

Is it technically possible in conference that there could be an instruction that would allow cap-and-trade revenue? Yes, it is. It is possible. But let me say again, there is no reconciliation instruction in the Senate budget resolution. I have argued against it for the purposes that have been talked about and I have argued against it publicly and privately.

On the House side, with respect to climate change, the Speaker has said reconciliation would not be used for climate change legislation. I take the Speaker at her word. In the conference committee I will say to my colleagues: I will strongly resist—strongly resist—any attempt to report out of the conference committee a reconciliation instruction for the purpose of climate change legislation. I don't know how I could be more clear on that point.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first I appreciate the Senator arguing for our case, which is that we should not use reconciliation in the Senate for the purposes of pursuing a vehicle such as a massive new sales tax on all Americans on their electric bills, and specifically whenever they turn on their light switch they are going to get hit with this tax. I would point out as an aside, he may have misrepresented what I said. I didn't say we hadn't used it for significant things; we have used it for significant things. But we have never used it for creating, ab initio, a national sales tax or any tax, for that matter, ab initio, and that is where the rubber meets the road.

I do believe strongly, listening to the Senator, that he has basically admitted a conference report could carry in it reconciliation instructions which

would allow for reconciliation to be used to create a new national sales tax on everybody's electric bill. So it seems perfectly reasonable that what the Senator from Alabama has requested should be agreed to here. Because he essentially is asking for what the Senator from North Dakota has suggested he supports, which is that reconciliation will not be used that way after the Senator from North Dakota has said the reconciliation may be able to be used that way.

There is no reason for the House of Representatives to put reconciliation in their bill. It is a touch cynical for the other side to represent that, because the bill before us today doesn't have reconciliation in it, that reconciliation is not being considered as a vehicle before this body because the only reason the House of Representatives has put reconciliation in their vehicle—because they don't need it, they have a Rules Committee—is because they can bring it out of conference and stick it to the Senate and put it into the Senate procedure here.

It means, on a purely procedural event, that the House of Representatives is actually going to be controlling the floor of the Senate. How outrageous is that? But independent of that there is a procedural point—which affronts me as a Senator and I think would affront the tradition and history of the Senate—there is the more substantive issue that reconciliation should never be used to create a brand new national sales tax. And that, of course, is what the Senator from North Dakota has said is true, it should not be used in that way.

So why do they object to the fairly benign request here of the Senator from Alabama, which is to ask unanimous consent that we not use reconciliation on the floor of the Senate for the purposes of creating a national sales tax, or what is euphemistically called a carbon tax? I don't understand the opposition myself. It seems very strange. Under the bill——

Mr. SESSIONS. Will the Senator yield?

Mr. GREGG. I yield for a question.

Mr. SESSIONS. The unanimous consent request would be in harmony with the budget resolution that came out of committee and in harmony with Senator CONRAD's expressed personal views, would it not?

Mr. GREGG. It seems as though the Senator from Alabama is expressing through his unanimous consent request the exact thought process of the chairman of the committee as stated here on the floor.

Mr. President, I know Senator THUNE wishes to speak off the bill. I see the assistant leader is here. I wish to sort of line up time so everybody gets time before we go into adjournment.

Mr. DURBIN. Six minutes.

Mr. THUNE. If I might ask the Chair how much time do we have before we break?

Mr. GREGG. We can go until you finish.

The PRESIDING OFFICER. The Senate is scheduled to recess at 12:30.

Mr. GREGG. I ask unanimous consent to change that. How much time does the Senator need?

Mr. THUNE. If I could have 5 minutes?

Mr. GREGG. I ask unanimous consent the Senate continue to debate this issue under the bill until 12:40, and that the 10 minutes from 12:30 to 12:40 be allocated to the Senator from South Dakota and the Senator from Oklahoma, and the time from now until 12:30 be for the Senator from Michigan.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, do I not control the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. I yield my time off the bill to the Senator.

Mr. CONRAD. There was a unanimous consent. Mr. President, parliamentary inquiry: There was a unanimous consent request that was objected to.

Mr. GREGG. I have the right, do I not?

Mr. CONRAD. In terms of division of time. Look, we can sort this out.

Mr. GREGG. Let's sort it out. That is a better approach.

Mr. CONRAD. Let's do it amicably so we sort it out. I ask unanimous consent that the time from 12:35 to 12:40—no—12:25 to 12:30 be for Senator DURBIN. Then we come back to this side. How much time did Senator THUNE ask for?

Mr. THUNE. I say to the Senator from North Dakota that the Senator from California has offered a side-by-side amendment to the amendment I laid down yesterday. She spoke to that this morning. I wish to at least make some remarks with regard to my amendment. So 5 or 10 minutes would be what I would need to do that.

Mr. CONRAD. Would it be acceptable to the Senator to go from 12:30 to 12:35 or 12:36?

Mr. THUNE. That would be fine.

Mr. CONRAD. And then would Senator BOXER like to have time?

Mrs. BOXER. About 3 minutes, if I could.

Mr. CONRAD. From 12:36 to 12:39. Then to come back to Senator INHOFE? Would the Senator like time?

Mr. INHOFE. I would like the same time my chairman has. I am ranking member on the committee and I have some specific thoughts.

Mr. CONRAD. We could go from 12:39 to 12:42 with Senator INHOFE. Would that be acceptable? I ask unanimous consent: Senator DURBIN from 12:25 to 12:30; Senator THUNE from 12:30 to 12:36; Senator BOXER 12:36 to 12:39; Senator INHOFE from 12:39 to 12:42.

Mr. DURBIN. Mr. President, reserving the right to object, your wonderful construction here has eaten into the 5 minutes. I think there is 3 minutes left.

Mr. CONRAD. Five minutes——

Mr. GREGG. Give 5 minutes to everybody in sequence until they finish.

Mr. CONRAD. Five minutes for each Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I may be expressing a minority point of view, but I want to express it on the floor of the Senate. I happen to disagree with both sides on this. Do you think climate change is a problem? Do you think global warming is changing the planet we live on? Do you think there is a chance when our kids, 20 or 30 years from now, take a look at it, they are going to say: Where were you, Senator, in 2009, when you had a chance to do something about it, when you had a chance to try to take control of the mess that is being created in this environment? What happened to you that day, Senator?

Some Senators will be able to say: Oh, I was embroiled in a procedural fight on the floor of the Senate where we used words such as reconciliation and conference instructions, and at the end of the day we did nothing. Nothing—the same thing that has been done over and over again when we tackled big issues on the floor of the Senate. We find a way to twist ourselves in knots, we throw up scare tactics of sales taxes that are going to be unmanageable, and guess what. Another year under our belt, we will come back and see you next year, we will have another debate. In the meantime all of these Senators will be going to schoolchildren and people around America saying: We have to do something about global warming. We have to do something about climate change. I wish the Senate had the will. That is what this talk was all about.

These Republican Senators came to the floor, objecting to using a procedure that would bring us to a debate on global warming. They don't want to talk about it because there are a lot of people who will have to come up to the counter and be honest about whether we have a problem not just in this Nation but in this world. They don't want to face it honestly. They want to ignore it, and they want to scare the living blazes out of the people across America about the possibilities: We could have a national sales tax here and a tax here and a tax there. That is how you inject fear into the debate. That is what it is all about.

I think it is sad. Were we elected to do this, to find another excuse for another year to go by with doing nothing for my grandson, for kids across America and around the world, that this Nation will do nothing? Last November 4 we had an election and a big change in this town, and a majority of the American people said they are tired of a

Congress that does nothing. They want us to tackle health care. They want us to tackle energy issues. They want us to face global warming. They want us to create schools for the 21st century.

There is always an excuse: Maybe we can get to it later in the year, maybe next year, maybe after the next election.

That is what this was all about. It is whether we are going to honestly address this issue. The budget resolution before the Senate doesn't take us to that debate. That has been pretty clearly stated. But we could get to that debate, if the House says they want us to, through what is called reconciliation. But we saw these Republican Senators, many of whom think they are green and environmentally sensitive, stand up and try to put every blockade in the road to stop us from debating and passing legislation to deal with climate change and global warming. Shame on the Senate. Shame on the Senate for finding some reason, some excuse not to tackle this tough issue.

Will it be easy? Will it be popular? No way. It is going to be hard. But isn't that why we were elected, on both sides of the aisle, to face these hard and difficult issues? Somebody may lose an election over it, but isn't that what the democratic process is all about?

Republican Senators who got up, one after another, objecting to considering global warming as an issue under reconciliation, know that lessens the chances that any bill is going to be passed. They know this issue will be kicked down the road for the next year, for the next Congress, for the next generation. Can America afford to wait? Can this world afford to wait? Can't we see the ominous elements coming at us under the circumstances, the change in climate, the change in global warming that is bringing to this planet?

We know the reality. Unfortunately, we are going to ignore it today. But we better face it. We better face it, if we want to face our children.

I yield the floor.

The PRESIDING OFFICER (Mr. INOUYE.) The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that when we return at 2:15, after Senators who have the right to speak have completed their statements, the time between 2:15 and 2:30 be divided between the Senator from South Dakota and the Senator from California.

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

The Senator from South Dakota.

AMENDMENT NO. 731

Mr. THUNE. Mr. President, I would like to speak to an amendment I laid down yesterday on which there has been a side-by-side amendment offered by the Senator from California. In response to the comments of my colleague from Illinois, there aren't any Republicans who aren't prepared to debate the issue of climate change or energy policy. We just think it ought to be debated in regular order; that when the Senate does take on big consequential items such as this, it ought to be handled in the normal routine, in the way the Senate deals with big consequential issues such as the issue of climate change because it would have a profound impact on the American economy and on American households and families.

There isn't any resistance on this side to that. All we are saying is, it should not be used as a part of the budget process where you expedite this and sort of circumvent the normal rules and procedures of the Senate that would apply to big pieces of legislation. We want to debate that.

Frankly, there are lots of Republicans who are happy to have the debate on climate change, on cap and trade, but also want to make a part of the debate the cost. It is very easy to talk about throwing out different solutions to this issue or talking about the general issue of climate change, but when you start reducing the argument on cap and trade, it has profound economic consequences on the American economy. That is a part of the debate.

If we look at the question of whether climate change is occurring, if one answers that yes, and if human activity is contributing to it, and one answers that yes, we still have to get to the question, if those two points are true: What do we do about it and at what cost? We think that ought to be part of the debate.

The Senator from California has offered a side-by-side amendment to mine. I assume she concedes the point that it would increase electricity and gasoline prices. She adds to that the language ''or increasing the overall burden on consumers through the use of revenues and policies provided in such legislation,'' suggesting there would be some offsets that families who are affected by higher energy costs would benefit from.

If there are going to be additional revenues, they are coming from somewhere. This isn't an imaginary world. This stuff just doesn't appear. We are talking about real costs, real revenues.

I want to point out what the President himself said over a year ago about his cap-and-trade plan:

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

We cannot assume for a minute that there are not going to be enormous costs associated with the proposal of the Senator from California and the cap-and-trade proposal she put forward in the last Congress, of which the President was a cosponsor.

She referred earlier to MIT. Researchers there scored it at $366 billion a year or a cost of $3,128 to the average household. This has an economic cost. It has an impact on our broader economy, an impact specifically on American families and households and American small businesses.

I used data yesterday I had received from utility companies in my State about how this would affect their cost of doing business with regard to residential customers, small business customers, and large industrial users. We would see costs go up as much as 65 percent in some cases.

They used a typical school district. It would on an annual basis double their cost for electricity. These things have costs. That needs to be part of the debate because the American people deserve to know these things have costs.

We need to have a debate about climate change, but we ought to do it in a way that is in regular order, that allows committees to do their work and that contemplates what the costs and consequences of these policies are going to entail for the average person.

This is an amendment provided to give something for the Senator from California and Members on the other side to vote for. The fact is, a cap-and-trade policy will increase electricity and gasoline prices. Nobody disputes that. The question is how much. I happen to believe—as do many others—that the President understates it in his budget, $646 billion in revenue. There are those who believe it would be two or three times that amount. The President himself has said:

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

His OMB Director, Peter Orszag, has said this would all be passed on to consumers. Utility companies will not bear the cost. Corporate America will not. It will be passed on to customers in places such as South Dakota where a higher energy cost is the thing they can least afford these days when we have a bad economy to start with.

I hope when Senators come to vote on these amendments, they will bear in mind these votes have consequences. If they vote against my amendment, they are essentially saying that we are open to, and OK with, a reserve fund created under the budget, a climate change reserve fund that would lead to a lot higher electricity and gasoline prices. All my amendment says is, those gas and electricity prices cannot go up under a cap-and-trade proposal that might be adopted by the Congress and might be included in some reconciliation instruction that comes from a conference committee with the House.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. State your inquiry.

Mr. INHOFE. There was some confusion with the last unanimous consent request. I know I get 3 minutes. I ask the Chair, is that correct, and when will that happen?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am so pleased to have these 5 minutes to correct the record. First, Senator GREGG takes the floor and says he opposes a national sales tax; that is what cap and

trade is. I defy Senator GREGG to show me where there is a national sales tax.

This is what is so interesting. A cap-and-trade system was invented in America to fight acid rain. It has been one of the most successful programs. For acid rain, we used the cap-and-trade system, and it has worked. By the way, it has worked in the State of Senator GREGG.

The other thing I want to put in the record is, Senator GREGG made a statement to my committee in January 2007. He said:

I believe Congress must take action to limit the emissions of greenhouse gases from a variety of sources. The overwhelming scientific data and other evidence about climate change cannot be ignored. It is for this reason I have been a strong advocate for mandatory limits on greenhouse gases.

I ask unanimous consent that this statement be printed in the RECORD.

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

FULL COMMITTEE: ''SENATORS' PERSPECTIVES ON GLOBAL WARMING''

(By Senator Judd Gregg (submitted written testimony, Jan. 30, 2007))

Climate change is one of the most serious environmental problems facing our planet. It touches nearly everything we do. Our climate is inextricably linked to our economy and heritage of our nation. Climate change affects where we live, where our food is grown, the severity and frequency of storms and disease, and many of our industries, including tourism, forestry, and agriculture. In New Hampshire, folks are already concerned with its impact on skiing, forestry, maple production, tourism, and outdoor recreation. In fact, the state was the first in the nation to pass a law in 2002 requiring carbon dioxide emissions reductions from power plants. Today, approximately 50 towns in New Hampshire are poised to vote in March on a resolution seeking the establishment of a national greenhouse gas reduction program and additional research into sustainable energy technologies.

States alone can not solve this problem. I believe Congress must take action to limit the emissions of greenhouse gases from a variety of sources. The overwhelming scientific data and other evidence about climate change cannot be ignored. It is for this reason that I have been a strong advocate for mandatory limits on greenhouse gases, and I will continue working with my Senate colleagues on legislation.

For the last four years, I have worked with Senators Carper and Alexander and others, on legislation which would reduce carbon dioxide and other emissions from power plants. The Clean Air Planning Act, which I have cosponsored, would address our nation's critical air pollution problems in a way that curbs greenhouse gas emissions, enhances air quality, protects human health, and facilitates a growing economy. This legislation reduces the four primary emissions from power plants: sulfur dioxide (a contributing factor in lung and heart disease) by 80 percent; nitrogen oxide (associated with acid rain and regional haze) by 69 percent; mercury emissions (associated with fish contamination and birth defects) by 80 percent; and carbon dioxide emissions (linked to climate change) by establishing mandatory caps. This bill would protect the quality of air we breathe and the climate we live in, while simultaneously stimulating the economy and protecting human health. I hope to reintroduce this bill with my colleagues in the coming weeks.

However, power plants are just part of the solution. That is why I have supported economy-wide, market-based approaches, such as the Climate Stewardship Act's ''cap and trade'' system, as reasonable ways to rein in carbon dioxide without undue harm to the U.S. economy. I also believe we need to reexamine the issue of vehicle emissions, a substantial contributor to the global carbon budget, and consider increasing the corporate average fuel economy standards for motor vehicles.

I appreciate the Committee's attention to this issue and I look forward to working with my colleagues on both sides of the aisle to draft climate change legislation which protects our environment and stimulates our economy.

Mrs. BOXER. Now he is here trying to do everything he can to block us from taking action to reduce greenhouse gas emissions.

Then we have Senator THUNE arguing that we are going to see taxpayers take a huge hit, consumers take a huge hit, if we pass global warming legislation. Where was Senator THUNE when gasoline prices in my State reached almost $5 a gallon? That wasn't because there was cap and trade. We had no cap and trade. What happened? We saw gas prices go from $1.50 to $5. We saw the biggest increase in history under George Bush as President on gas prices.

Was it about cap and trade? Obviously not. We had no cap and trade. It was speculation in the market. Where was my friend Senator THUNE with all kinds of amendments? He wasn't here. Where was my friend Senator THUNE and my friends on the Republican side when Enron was speculating and price fixing and saying they didn't care if old ladies went broke? Nowhere. That had nothing to do with cap and trade.

I am going to list some of the corporations that support a cap-and-trade system: Alcoa, BP America, Caterpillar, Chrysler, Conoco, Deere, Dow, Duke Energy, DuPont, Ford Motors, General Electric, Johnson & Johnson, PepisoCo, and so on. Even Shell Oil understands if we want to have a future, we better stand up and be counted.

Here is the point: My colleagues are doing everything they can to narrow our options on how we deal with climate change. As chairman of the Environment Committee, I want all the options at my fingertips. If colleagues don't want to do it, I understand it because, guess what. Game over. We are already fighting back. EPA is getting ready because the Supreme Court told them they had to make sure greenhouse gas emissions were reduced under the Clean Air Act. They were sued. The Bush administration said: No, greenhouse gases aren't covered under the Clean Air Act. Wrong. So the EPA is off and running. They have to be or they will be sued again. They are already working to see that greenhouse gas emissions are reduced.

Are States? A majority of States are involved. A lot of States have their own cap-and-trade system. The Northeast corridor, the west coast, they are working with Canada, Europe, and everybody else.

If my Republican friends want to put their head in the sand and have the Senate be the only place in the world that isn't taking action on global warming, be my guest. The train has left the station. The EPA is doing its work. California and 19 other States are working to get a waiver so they can cut back on greenhouse gases in terms of motor vehicles. In New England, they have their own cap-and-trade system. The Midwest is working with Canada.

If my friends want to stand around and listen to the minority witness who said: Don't worry about it. There were times in history when carbon was 1,000 parts per million, and everything was fine. But when we pressed him, he admitted the only life on Earth then was dinosaurs. I knew the people who are against this were looking backward, but I didn't realize they were going back that many years when only dinosaurs roamed the Earth.

I will fight hard to keep all our options on the table. We are fighting back, and we will eventually be victorious because mankind is depending on us.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the fact that I will have 5 minutes. However, I have to say, after listening to my counterpart, the chairman of the Environment and Public Works Committee, I have rewritten my speech.

First of all, let me make a couple comments about her comments. When gasoline was $5 a gallon, or approaching that, out in California, there was a reason for that, a reasonable justification at that time. It is that old thing most of us who are in earshot right now learned years ago; it is called supply and demand. Our problem is, the Democrats have restricted our ability to exploit our own natural resources. We have a moratorium on offshore drilling to make it more and more difficult. So as they restrict our ability to produce oil and gas, obviously, it is a supply and demand thing, and the demand is going to go up and the price is going to go up. It is a very simple principle.

I think it is also interesting to talk a little bit about the cap-and-trade thing. We keep hearing that for acid rain, cap and trade worked. For acid rain, there were two differences. First of all, there was a technology that was workable at that time. We had a technology that said: We know how we can restrict it. Of course, there is no technology in terms of greenhouse gases in using cap and trade. The second thing is, in the acid rain situation, there were about approximately, at most, 1,000 sources. Here, there are literally millions of sources. So there is no way we can actually get involved in this and understand just how many sources there are out there. It would be life-

changing for virtually everyone in our country.

The third thing, when the Senator from California was talking about the national sales tax, that it is not a national sales tax, we hang around Washington so long that we lose sight of the fact that if you are a poor person out there and you are spending half of your expendable income on driving your car and heating your home, and all of a sudden they double the cost of that, that is a tax increase; when you increase the cost of energy in America, it is not only an increase in a tax, but it is also regressive because those who have the least income are going to be spending a greater amount of their income on the purchase of energy.

The Senator from Illinois talked about global warming and all this and about the science. I will not get into the science thing because even though the science is mixed on this, even though there are quite a number of scientists who say there is not that relationship, that anthropogenic gases, $CO_2$, methane, are not the major cause of global warming—or if global warming really exists—explain that to the people in Oklahoma. We had the largest snowstorm in the history of March 3 days ago. But nonetheless, we will go ahead and say: Well, for the sake of the debate on global warming, we could concede the science, even though the science is not there. The reason we can do that is we want people not to be distracted from the economics of this thing, what it really costs. This is one of the problems I have now.

The administration has talked about all the expenditures that are going on. We talked about the $700 billion bailout. We talked about the $787 billion stimulus plan. One thing about that is those are one-shot deals. The problem with this is, once you impose this cap-and-trade tax on the American people, this is every year. This is something that is not going to be just one time. I can remember arguing against the $700 billion bailout. I said: If you take the number of families who file a tax return and do your math, it comes to $5,000 a family. That is huge. But at least it is only once. This would be, as the Senator from South Dakota said, $3,000 a family every year. That is what we are talking about now.

When the administration came out and said it was $646 billion, that is probably understated about 1 to 4. The amount of money we know it is going to be in terms of all the studying that has taken place is around $6.7 trillion between now and 2050—$6.7 trillion. We had the other two bills up—when we had the McCain-Lieberman bill, that range was somewhere around $300 billion a year. When we had the Lieberman-Warner bill, that was a little bit more. When we had the Sanders-Boxer bill, that was about $366 billion a year. So the price tag goes up and up.

If we were to allow this to happen, this would be the largest single tax increase in the history of America. We cannot let that happen without going through the procedures, the normal procedures the Senate has provided.

I thank the Chair.

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

## RECESS

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

Thereupon, the Senate, at 12:50 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

## CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

### AMENDMENT NO. 731

Mrs. BOXER. What is the order right now?

The PRESIDING OFFICER. The time until 2:30 is equally divided.

Mrs. BOXER. I am happy to yield to my friend if he would like to, and then I will close the debate.

Mr. THUNE. How much time do we have equally divided right now?

Mrs. BOXER. Six minutes.

The PRESIDING OFFICER. Three minutes 30 seconds.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, we are going to have a vote in just a few minutes on an amendment I offered yesterday, and now there is a side-by-side offered by the Senator from California which tries to modify my amendment in a way that gives folks who want to be able to vote for something, something to vote for when, in fact, my amendment is the one that is very simple and straightforward. That is, if we have a reserve fund created for climate change, the revenues coming into that fund obviously are going to be significant: $646 billion, if the President's budget is accurate, and much more than that by many other analyses that have been done. It simply says that cannot be used to increase electricity rates or gasoline taxes on the American consumer.

So what I would hope that my colleagues will bear in mind when we vote is that any cap-and-trade system that is put in place is going to have a significant increase in energy costs in this country. You can call it what you want—a lightbulb tax, a national energy tax—but it is pretty clear that is going to be the case. The President, a year ago, even made the same argument: ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.'' That is a direct quote.

All of the studies that have been done have suggested that this could cost anywhere from, as CBO said, $50 billion a year to $300 billion a year; MIT said $366 billion a year. An enormous amount of money is going to come into the Federal Treasury by any form of cap-and-trade bill that is passed here in the Congress. It just depends on how rigid or how restrictive the caps are as to what that cost is going to be, and there are several other bills that are out there.

What I wish to point out, however, is that the Senator from California—her bill, S. 309 from the last session of Congress, actually designates seven different funds that the revenue would go into. What her amendment would say is that a lot of these revenues would go back in the form of some assistance to consumers in this country, but, in fact, if you look at her legislation, there are seven different funds that it goes into. Essentially, what her bill would do is take all of these revenues that are going to come into the Federal Treasury and distribute them through Government agencies to all of these different areas, including the climate change worker training fund; the adaptation fund, whatever that is; the climate change and national security fund; the Bureau of Land Management emergency firefighting fund; the Forest Service emergency firefighting fund; and the Climate Security Act management fund. Those are six of the funds that are listed in her bill as uses of revenues that would be derived from a cap-and-trade and national energy tax that would be imposed upon the American consumers. Again, I point out that MIT, in their analysis of her bill, said it would cost the average household in this country an additional $3,128 annually in energy costs.

The President himself has said: ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.'' Nobody disputes the fact that rates are going to go up. What we are saying is that shouldn't happen; we can't do that, particularly now at a time when the American economy is struggling and most Americans are having to tighten their belts already. To impose a huge national energy sales tax on American consumers would be very ill-timed.

Frankly, I don't believe for a minute that any of the revenues that come in as a result of the imposition of that national energy tax are going to be used to refund the American consumers. There is a $400 and $800 tax credit the President has put in place, but that is a fraction—a fraction—of the amount of the revenue that is going to come in.

So I hope my colleagues will support my amendment and vote against the side-by-side that is being offered by my

colleague from California. I don't think there is any question but this is going to raise taxes, energy taxes in the form of a national sales tax on energy for consumers in this country. My amendment would make it very clear that cannot be the case.

I yield back the remainder of my time.

Mrs. BOXER. Mr. President, Senator THUNE makes it sound as if a cap-and-trade regime that we hope we will be able to put in place to fight global warming is going to be bad for the economy. The fact is, we have hundreds and hundreds of business leaders and union members, working people, the Conference of Mayors, and Governors of both parties strongly supporting global warming legislation because it will create millions of green jobs.

My friend argues it will raise prices on consumers, and he cites Barack Obama's comments taken out of context because here is the thing: We all know there will be revenues coming into the Government which we use to soften the blow to consumers. As a matter of fact, my friend cites the MIT study, but he forgets the conclusion of the MIT study, which is that a family of four could get a rebate as high as $4,500 per year. That is more than the increase in costs that are predicted.

So my friend is a pessimist, and he is standing here saying: The sky is falling, the sky is falling. Where was he when gas prices reached almost $5 a gallon without any global warming legislation but because of speculators? I didn't hear my friend complain. Where was my friend?

Mr. THUNE. Will the Senator yield for a question?

Mrs. BOXER. Where was my friend when Enron had a scandal—and I won't yield; I don't have time to yield—where was my friend when Enron had a scandal in which it raised prices? I didn't hear him coming down here and complaining about it. But because we are contemplating a way to solve a major crisis that is facing the American people—and by the way, in the course of that crisis of fighting global warming, we will generate revenues that we can give back to consumers—suddenly—if I might ask for order. If I might ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. BOXER. Suddenly, my friend is upset that consumers won't be made whole.

Well, I hope my colleagues will support my amendment because my amendment says that, in fact, consumers will be made whole by the policies in the bill, by the revenues in the bill.

We embrace what he is doing with his amendment. We hope he will embrace what we are doing in our amendment, which is to say that consumers will do well in any cap-and-trade system. They will not be hit. They will have rebates. They will be made whole. The fact is, the very same MIT study he cites proves our point.

Our friends on the other side are nervous and excited now because there are studies that say gasoline could go up by 10 cents over 10 years—a penny a year. They are getting very exercised about that. None of us want that. But they weren't exercised over it when there was manipulation going on by the oil companies, the traders, and the rest of it. What we are saying in our amendment is——

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

Mrs. BOXER. Vote aye on the Boxer amendment and vote aye on the Thune amendment.

AMENDMENT NO. 749

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Boxer amendment.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I say to my friend from California that when gas prices were going up last summer, many of us were trying to put together a plan that would increase production in this country. We had a simple strategy: find more and use less.

Many of us were working constructively to try to come up with an energy solution that would increase domestic supply so we can drive down the cost of energy. I was engaged in that with a number of colleagues from the other side of the aisle.

But that has nothing to do with this debate. This deals strictly with a cap-and-trade proposal—a national energy tax proposal that is being contemplated in this budget. My amendment also was straightforward and simple. It says any reserve funds created as a result of this budget that would call for climate change legislation cannot raise electricity rates or gasoline prices for American consumers. That is a tax on American consumers when they need it the least.

I hope my colleagues will support my amendment and reject the Boxer amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, there is no national energy tax proposal. Nobody I know has ever proposed it. If the purpose of this amendment is to fight a national energy tax proposal, then it is very interesting because there is no such proposal.

The fact is, we have a cap-and-trade system in place for acid rain. I never heard one Republican come to the floor and call that a tax. It is not a tax.

My friend is very concerned that energy prices will go up. I share his concern. He should vote for my amendment. As a matter of fact, I think it would be stunning if my friend didn't because I said any kind of a cap-and-trade system that comes forward will not increase electricity or gas prices or increase the overall burden on consumers.

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

Mrs. BOXER. He will have a lot of explaining to do to his constituents. I urge an ''aye'' vote on Boxer and on Thune.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 749.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—54

| | | |
|---|---|---|
| Akaka | Hagan | Murray |
| Baucus | Harkin | Nelson (FL) |
| Bayh | Inouye | Nelson (NE) |
| Begich | Johnson | Pryor |
| Bennet | Kaufman | Reed |
| Boxer | Kerry | Reid |
| Brown | Klobuchar | Rockefeller |
| Burris | Kohl | Sanders |
| Cantwell | Landrieu | Schumer |
| Cardin | Lautenberg | Shaheen |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Conrad | Lieberman | Udall (CO) |
| Dodd | Lincoln | Udall (NM) |
| Dorgan | McCaskill | Warner |
| Durbin | Menendez | Webb |
| Feingold | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |

NAYS—43

| | | |
|---|---|---|
| Alexander | Crapo | McCain |
| Barrasso | DeMint | McConnell |
| Bennett | Ensign | Murkowski |
| Bingaman | Enzi | Risch |
| Bond | Graham | Roberts |
| Brownback | Grassley | Sessions |
| Bunning | Gregg | Shelby |
| Burr | Hatch | Snowe |
| Byrd | Hutchison | Specter |
| Chambliss | Inhofe | Thune |
| Coburn | Isakson | Vitter |
| Cochran | Johanns | Voinovich |
| Collins | Kyl | Wicker |
| Corker | Lugar | |
| Cornyn | Martinez | |

NOT VOTING—2

| | |
|---|---|
| Gillibrand | Kennedy |

The amendment (No. 749) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 731

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 731 offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, if you honestly believe the trillions of dollars that are going to come in from a cap-and-trade proposal—what is essentially a national energy sales tax—that those revenues are going to be distributed

back to the American people, then voting for the Boxer amendment was the correct vote.

If you believe, as I do, that the trillions of dollars that come in through a cap-and-trade proposal are, in fact, not going to be rebated to the American people, that they are going to fund programs in Washington, DC, then you should vote for my amendment because my amendment prevents any program that is created—a cap-and-trade program—from increasing electricity rates or gasoline prices for American consumers.

This is a national energy tax on the American people, on American consumers. If you want to vote against that, then voting for my amendment is the correct vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I think Members should feel free to vote for the Thune amendment because the Boxer amendment was adopted, which means that if there is any increase in gasoline prices, in electricity prices, because the Boxer amendment was adopted, we said we can rebate, we can take the funds that have come in from a cap-and-trade system and keep consumers whole. So I have no problem at all with the Thune amendment now that we have passed Boxer. So feel very free to do that.

I will say that my friends on the other side are so desperate to kill cap and trade that they call it a national sales tax. They never called the cap-and-trade system for acid rain a national sales tax. So they are inventing a new vocabulary just to kill any chance at addressing global warming in the way that most businesses want us to address it—through a cap-and-trade system.

But I feel comfortable voting for the Thune amendment because the Boxer amendment passed, and we will have the ability to keep consumers whole.

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

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 731. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—89

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

NAYS—8

| | | |
|---|---|---|
| Bingaman | Durbin | Udall (NM) |
| Cardin | Feinstein | Whitehouse |
| Corker | Menendez | |

NOT VOTING—2

| | |
|---|---|
| Gillibrand | Kennedy |

The amendment (No. 731) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 739

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 739 offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I call this the 1789 amendment because it simply says that if there is a budget brought forward after January 2009 that raises the debt of this country more than all the debt added up by all the Presidents since 1789, starting with George Washington, Thomas Jefferson, Franklin Pierce—to remind a few of you folks—Franklin Roosevelt, all the Presidents since 1789, all the debt they added to this Nation—if there is a budget that brings forward more debt than that in one 5-year period, as regrettably President Obama's budget does—it doubles the debt in 5 years and triples it in 10 years—then there will be a point of order against that budget so it will take 60 votes in this body to pass that budget rather than 51. It is a reasonable request.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. Mr. President, one has to wonder where the Senator was when they were doubling the debt over the last 8 years. But this solution is the most curious offered yet. What it says is we would make getting a budget resolution—which is the only prospect of disciplining the process—even more difficult. The cure is worse than the disease.

I urge my colleagues to oppose this wrongheaded amendment.

Mr. GREGG. Mr. President, I ask unanimous consent that if the Senator wishes to make this retroactive, we will accept it.

Mr. CONRAD. We already have the problems that President Obama has inherited. We are stuck with that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 739.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—43

| | | |
|---|---|---|
| Alexander | Ensign | Murkowski |
| Barrasso | Enzi | Nelson (NE) |
| Bennett | Graham | Risch |
| Bond | Grassley | Roberts |
| Brownback | Gregg | Sessions |
| Bunning | Hatch | Shelby |
| Burr | Hutchison | Snowe |
| Chambliss | Inhofe | Specter |
| Coburn | Isakson | Tester |
| Cochran | Johanns | Thune |
| Collins | Kyl | Vitter |
| Corker | Lugar | Voinovich |
| Cornyn | Martinez | Wicker |
| Crapo | McCain | |
| DeMint | McConnell | |

NAYS—54

| | | |
|---|---|---|
| Akaka | Feingold | Merkley |
| Baucus | Feinstein | Mikulski |
| Bayh | Hagan | Murray |
| Begich | Harkin | Nelson (FL) |
| Bennet | Inouye | Pryor |
| Bingaman | Johnson | Reed |
| Boxer | Kaufman | Reid |
| Brown | Kerry | Rockefeller |
| Burris | Klobuchar | Sanders |
| Byrd | Kohl | Schumer |
| Cantwell | Landrieu | Shaheen |
| Cardin | Lautenberg | Stabenow |
| Carper | Leahy | Udall (CO) |
| Casey | Levin | Udall (NM) |
| Conrad | Lieberman | Warner |
| Dodd | Lincoln | Webb |
| Dorgan | McCaskill | Whitehouse |
| Durbin | Menendez | Wyden |

NOT VOTING—2

| | |
|---|---|
| Gillibrand | Kennedy |

The amendment No. 739 was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 763

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment in order is the Lieberman-Collins amendment. We have a 30-

minute time agreement equally divided on the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from North Dakota, chairman of the Budget Committee. I call up the amendment that has been filed by Senator COLLINS and me recently.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Ms. COLLINS, Mr. BENNET, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KYL, Mr. PRYOR, and Mr. UDALL of New Mexico, proposes an amendment numbered 763.

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

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

The amendment is as follows:

(Purpose: To protect the American people from potential spillover violence from Mexico by providing $550 million in additional funding for the Department of Homeland Security and the Department of Justice and supporting the Administration's efforts to combat drug, gun, and cash smuggling by the cartels, by providing: $260 million for Customs and Border Protection to hire, train, equip, and deploy additional officers and canines and conduct exit inspections for weapons and cash; $130 million for Immigration and Customs Enforcement to hire, train, equip, and deploy additional investigators; $50 million to Alcohol, Tobacco, Firearms, and Explosives to hire, train, equip, and deploy additional agents and inspectors; $20 million for the Human Smuggling and Trafficking Center; $10 million for the Office of International Affairs and the Management Directorate at DHS for oversight of the Merida Initiative; $30 million for Operation Stonegarden; $10 million to the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas program, to support state and local law enforcement participation in the HIDTA program along the southern border; $20 million to DHS for tactical radio communications; and $20 million for upgrading the Traveler Enforcement Communications System)

On page 17, line 22, increase the amount by $30,000,000.

On page 17, line 23, increase the amount by $3,000,000.

On page 18, line 3, increase the amount by $11,000,000.

On page 18, line 7, increase the amount by $9,000,000.

On page 18, line 11, increase the amount by $7,000,000.

On page 24, line 24, increase the amount by $520,000,000.

On page 24, line 25, increase the amount by $406,000,000.

On page 25, line 4, increase the amount by $62,000,000.

On page 25, line 8, increase the amount by $52,000,000.

On page 27, line 23, decrease the amount by $550,000,000.

On page 27, line 24, decrease the amount by $409,000,000.

On page 28, line 3, decrease the amount by $73,000,000.

On page 28, line 7, decrease the amount by $61,000,000.

On page 28, line 11, decrease the amount by $7,000,000.

Mr. LIEBERMAN. Mr. President, the reporting of the amendment mentioned my name and others. I rise with Senator COLLINS, representing the bipartisan leadership amendment of the Senate Homeland Security Committee, to offer this bipartisan amendment to the fiscal year 2010 budget resolution to strengthen Federal law enforcement efforts on our southern border. Our amendment would provide an additional $550 million to increase the number of Federal agents, investigators, and resources on the border to staunch the flow of guns and money southward into Mexico and the flow of drugs and violent drug dealers northward into America.

The increasing competition among the Mexican drug cartels caused by the initiative by President Philippe Calderon has touched off a bloody war that has claimed over 7,200 lives in Mexico since the start of 2008. This violence is supported by guns flowing south from the United States, along with billions of dollars of ill-gotten money earned from drug sales in the United States which allows the cartels, among other things, to corrupt officials in Mexico but also some in the United States as well. President Calderon has taken unprecedented steps to challenge the cartels. He has deployed the Mexican military to assist in the fight and has acted aggressively to root out corruption in government and law enforcement agencies in Mexico. But he needs our help and more of it, and we need to help him succeed in defeating the Mexican drug cartels which create such havoc in the United States through the drugs they sell but whose violence has begun to spill over the Mexican border into the United States. We cannot sit idly by while the streets in Mexico run with blood, nor can we wait until the cartels' brutal violence further invades our own cities.

The Department of Justice testified before the Senate Homeland Security Committee on this subject a week or so ago that the Mexican drug cartels are today the No. 1 organized crime threat in our country. They operate in 230 of our cities, bringing their deadly drugs and violence with them. In Phoenix, AZ, alone, the cartels have been involved in kidnappings that numbered 700 in the last 2 years. That makes Phoenix second only to Mexico City in the number of kidnappings in any city in the world. That is a direct overflow result of the Mexican drug cartel violence and competition in Mexico. This lawlessness must be stopped before it spreads.

Last week, the Obama administration announced it was redeploying investigators and other law enforcement officers from the Departments of Homeland Security and Justice to the southern border to expand our Government's efforts to investigate and interdict the cartels' activities in the United States. This was a real step forward. Department of Homeland Security Secretary Napolitano said at her hearing before the committee last Wednesday that the plan she had put into effect the day before was budget neutral. I know we want everything we do to be budget neutral, but this is an urgent crisis.

The Mexican drug cartels are a clear and present danger not only to the people of Mexico but to the people of the United States. That fact, Senator COLLINS and I believe, compels us to provide our Federal law enforcement agencies with additional funding to ensure that the redeployment of forces that Secretary Napolitano announced last week is sustainable, that it does not take personnel away from other sections of our country where they are needed for law enforcement purposes, and that we provide the substantial additional resources that we conclude, as the leaders of the Homeland Security Committee, are necessary to effectively combat the cartels.

Secretary Napolitano announced the redeployment of 350 personnel within her Department. We need to do more. The Secretary also said she had to play with the hand she was dealt. This amendment would dramatically improve that hand, and I urge my fellow Senators to support our Secretary and the amendment and the security of the American people by supporting it.

I wish to briefly speak now about what the amendment does. It provides $260 million additional for Customs and Border Protection to hire, train, and equip 1,600 new officers and 400 canine teams to be sent to the border to significantly increase the number of inspections there, particularly exit inspections, which we do not do routinely. The funding would also cover costs related to temporary infrastructure to ensure that the officers are protected from both the elements and those who would evade inspection to come across the border. CBP would also receive $20 million to modernize its border-screening database to better identify potential criminals and stop suspicious loads—truckloads or carloads—at ports of entry.

The Department of Homeland Security would receive an additional $20 million to improve the tactical communications in the field for Customs and Border Protection and Immigration and Customs Enforcement to ensure that our law enforcement officers have the ability to call for help when they are confronted by dangerous situations and to better communicate with State and local law enforcement who must be part of this anti-Mexican drug cartel campaign.

Increasing inspections is just one part of a comprehensive strategy which this amendment would enable. We also need to ensure that the Department of Homeland Security and the Department of Justice have the resources—

people—they need to investigate the cartels. That is why our amendment provides $130 million to ICE—Immigration and Customs Enforcement—for 350 full-time investigators to work on firearms-trafficking and money-laundering investigations.

We would also double the number of border enforcement security teams along the southwest border. These teams create fusion centers that bring together all the Federal agencies with State and local governments to combat the cartels' activities. The fact is, many State and local law enforcement agencies, particularly along our southern border, simply cannot afford to detail the necessary additional resources and personnel to these fusion centers. So this amendment would provide $30 million for Operation Stonegarden to reimburse State and local law enforcement for their participation in these programs.

We would also add $10 million in the Department of Justice competitive grants for local, State, and tribal law enforcement agencies located along the southern border and in high-intensity drug-trafficking areas across our country.

There is $50 million here for the Alcohol, Tobacco, and Firearms agency to better support an existing program called Project Gunrunner. It would enable the hiring of an additional 150 agents and 50 inspectors to investigate illegal firearms trafficking near or across the Mexican border, and $20 million for the Human Smuggling and Trafficking Center at the Department of Homeland Security to better coordinate investigations between Federal, State, and local law enforcement.

Finally, we appropriate an additional $10 million so the Department of Homeland Security can oversee the implementation of its part of the Merida Initiative, most of which has funds flowing through the Department of State. If I may borrow a phrase from another conflict, this amendment enables a real surge in America's joint war with the Government of Mexico against the Mexican drug cartels to occur.

The cartels are now presenting a genuine and very unique security threat to our homeland. Our Federal law enforcement officers and investigators are doing the best they can, but there are simply not enough of them with enough resources to take on the threat the cartels pose to America's security and the security of our friend and ally nation to the south, Mexico. Additional resources provided by this amendment would improve our ability to break the grip of the cartels and ensure that the drug-related violence from Mexico does not further encroach on America's communities and people.

Mr. President, I thank the Chair, and I now am proud to yield to the ranking member of our committee, Senator COLLINS of Maine.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join with my friend and colleague, the distinguished chairman of the Homeland Security Committee, in offering this bipartisan amendment to provide urgently needed resources to confront a major and growing threat to our homeland security.

Since the beginning of 2008, more than 7,000 people have been killed in drug-related violence in Mexico, including 522 military and law enforcement officials. The Mexican drug cartels have become increasingly brazen and violent, targeting police and journalists and using graphic displays of violence to intimidate communities. The drug cartels also have been able to corrupt some local law enforcement officials, who then have turned a blind eye to or are complicit in illegal drug production and trafficking.

Compounding the danger of the situation, Mexico's drug cartels have, in recent years, acquired increasingly sophisticated and powerful weaponry. Smuggling equips the cartels with large numbers of firearms, as well as items such as night vision goggles and electronic intercept and encrypted communications capabilities. Police in Mexico are often ill-equipped to confront such well-armed and trained forces.

This growing violence poses a significant danger to the security of our country, particularly to border States. Drug-related violence has already spilled over our borders. Kidnappings, assaults, murders, and home invasions related to the Mexican drug cartels are on the rise, particularly in the State of Arizona. Tucson and Phoenix have created special task forces to investigate a rash of kidnappings and home invasions directly related to these Mexican drug cartels. Authorities estimate, as the chairman has indicated, that more than 230 cities, as far away as Anchorage, AK, and Boston, MA, have distribution networks related to the Mexican cartels. This number is up from just 100 cities 3 years ago. As the drugs come north from Mexico, these distribution networks use the revenues from their sales to send cash and weapons back to the traffickers in Mexico.

The U.S. Government has invested significant resources in preventing drugs from entering our country. But until very recently, the Federal Government has focused only very limited resources on the supply of money and weapons going south—south to fuel the drug war. In our own country, some local and State law enforcement agencies simply do not have the capabilities to fully counter the increasingly complex operations and sophisticated weapons of the Mexican cartels' distribution networks.

The amendment Senator LIEBERMAN and I are offering would provide absolutely critical resources to supplement those efforts underway on our southwest border to combat drug, gun, and cash smuggling by the drug cartels in Mexico. These resources represent a more substantial commitment to address the threat than the administration announced last week when it moved some personnel from other parts of the country to the southwest border. Those steps were good ones, they are needed, but they simply are not sufficient, and they risk leaving other borders not fully staffed, particularly the northern borders.

Our amendment, as Senator LIEBERMAN has indicated, provides additional funding for Customs and Border Protection to deploy 1,600 additional officers at ports of entry without robbing other ports of entry. It would also provide funding for 400 new canine teams. Many of these new officers and teams will be deployed to the southwest border to conduct inspections, exit inspections of southbound traffic to Mexico so we can interdict the illegal export of weapons and cash that again fuel that cartel-related violence in Mexico.

To investigate and dismantle the networks involved in smuggling the drugs, the weapons, and the cash, our amendment provides $130 million for Immigration and Customs Enforcement to hire and train 350 new investigators. That will help ensure that the number of border enforcement security teams along the southwest border doubles. These teams have been highly successful in coordinating with Mexican officials to combat cross-border smuggling, but they are simply overwhelmed by the extent of the threat.

As Senator LIEBERMAN has described, our amendment also provides $50 million in additional funding to hire, train, and deploy an additional 100 investigators working on Project Gunrunner. This will help expand investigations of armed smuggling.

The amendment sets aside an additional $30 million for a highly successful cooperative program known as Operation Stonegarden. This program has been a big success in my own State, so I know how helpful it can be in combating this emerging and growing threat.

Finally, this amendment provides $40 million for important technology upgrades to make CBP officers and Border Patrol agents along the border, and indeed across the country, more effective in identifying potential smugglers and in communicating with each other and with State and local law enforcement. This will make a real difference.

What we have done is put together a carefully crafted amendment that will help to fill the real gaps that exist at the Federal level and, in cooperation with State and local law enforcement, to help us counter this extraordinary rise in violence that has spilled over the border from Mexico that is threatening the security particularly in those border States, such as Arizona, but also poses a threat to States throughout our country because of these distribution networks the drug cartels are using.

This amendment is essential to the security of our country. The violence the cartels originate in Mexico—and

certainly we have to be concerned about the violence in a neighboring country, but this affects American citizens directly. I am convinced, based on the hearings our committee has held and the investigations we have conducted, that this amendment is essential to countering this growing threat to our homeland security. I urge support for the amendment, and I am very pleased to work with my chairman to bring this issue before the Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I first wish to thank my colleague from Maine for her excellent statement as well as for the spirit of bipartisanship that has blessed and characterized our relationship. I am very pleased we have been able to bring this amendment forward quickly in response to testimony we have heard and an investigation our staff has done. This is an urgent problem that concerns people particularly along our southern border but also in cities around America, 230 cities where the Mexican drug cartels are operating, and they are all over the country. This is a business that by varying estimates returns between $16 billion and $38 billion a year. It takes $16 billion to $38 billion a year out of the United States and sends it back to the drug cartel kingpins in Mexico. If that was a business, it would be one of the larger businesses in our country today.

We just have to help President Calderon, who has had the guts to take on the Mexican drug cartels at tremendous risk to himself and his government and deployed his military. We are helping him through the merit initiative. This is a way to beef up our own response and our own partnership on this side of the border. I thank Senator COLLINS for her statement and for her support.

I do wish to indicate for the RECORD that also original cosponsors of this amendment are Senator BENNET from Colorado, Senator BINGAMAN from New Mexico, Senator FEINSTEIN from California, Senator HUTCHISON from Texas, Senator KYL from Arizona, Senator PRYOR from Arkansas, Senator UDALL from Colorado, and Senator UDALL from New Mexico, a truly bipartisan group of cosponsors. We are going to ask for a rollcall vote on this amendment. I know there is a lot of interest in it from Members on both sides of the aisle throughout the Senate and throughout the country, and we hope we can vote on it as soon as possible.

With that, I thank the Chair, and I yield back the remaining time that we have been allotted on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 747

Mr. ALEXANDER. Mr. President, I was just making my entrance at the time the Senator from Connecticut concluded.

I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I call up amendment No. 747 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 747.

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

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

The amendment is as follows:

(Purpose: To create runaway debt point of order against consideration of a budget resolution that projects the ratio of the public debt to GDP for any fiscal year in excess of 90 percent to ensure the continued viability of U.S. dollar and prevent doubling or tripling the debt burden on future generations)

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

**SEC. ___. LIMIT ON PUBLIC DEBT.**

(a) FEDERAL SPENDING LIMIT POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any budget resolution, bill, joint resolution, amendment, or conference report that would exceed the limit on public debt for any fiscal year covered therein.

(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the Senate only by the affirmative roll call vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(4) FORM OF POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(b) DEFINITIONS.—In this section:

(1) LIMIT ON PUBLIC DEBT.—The term ''limit on public debt'' means a level of public debt for a fiscal year in the resolution where the ratio of the public debt to GDP is 90 percent.

(2) GDP.—The term ''GDP'' means the gross domestic product for the relevant fiscal year.

Mr. ALEXANDER. Mr. President, I see the Senator from New Hampshire is here, and the Senator from Arizona, the assistant Republican leader, will be here in a few minutes, I believe. Senator GREGG earlier offered an amendment which essentially would say that the projected debt under President Obama's budget couldn't go up more than all of the debt that has been accumulated by all of the Presidents from George Washington to President Bush. That is one way of saying to the American people and to the Senate that the debt that is proposed by these budgets is so staggeringly high that we need to find some way to put a limit on it.

I am offering with my amendment another way to put some limit on the debt. I call it a runaway debt point of order. This is not a matter of not letting the horse get out of the barn; this recognizes that the horse is already out of the barn and we are trying to put a fence around him before he gets into the next county or even into the next country.

This amendment would create a new point of order against considering any budget resolution that estimates gross Federal debt—our total debt, total amount of obligations—exceeding 90 percent of gross domestic product in any year covered by the budget. To put that in a little plainer English, what it means is the Senate would be forced to come up with 60 votes if the public debt in any year goes beyond 90 percent of the estimated gross domestic product.

The gross domestic product is what all of us produce in the United States every year. Despite the fact we are in an economic slowdown, we are a very privileged country. We make up only about 5 percent of the world population—those of us who live in the United States—but year in and year out we produce about $1 out of every $4 of wealth produced in the world. So 22, 23, 25, 26 percent of all of the wealth, all of the money produced each year in the world is produced in the United States for distribution among primarily the 5 percent of us who live here. We are a very privileged country. This amendment says if we intend in any year to increase the debt above 90 percent of all of that production in any year, that 60 Senators have to agree with it.

When was the last time the United States had a debt, a national debt, that exceeded 90 percent of the gross domestic product? It was when we were fighting in World War II and as we were coming out of World War II. Of course, during that time, it didn't matter what we spent. It didn't matter what we taxed. We were in a fight for our lives, and we did whatever we could think of to do, spent whatever we could think of to spend, and ran up any debt we needed to to win the war. And we did win that war.

Right after World War II, our national debt was about 90 percent of the annual gross domestic product of the United States. More recently, it has been about 40 percent.

So here is what happens now—the Senator from New Hampshire went into this to some degree. We talked about deficits and we need to make a clear distinction between deficits and debt. Deficits adds to the debt each year. We talked about the fact that the deficit is going up this year and next year during the recession, and we understand that is necessary to some degree. But then the deficit comes back down to approximately 4 percent of gross domestic product, and it stays at a little over 4 percent in President Obama's budget. That is also the Conrad budget, which OMB Director for

President Obama said, is about 98 percent of the Obama budget. This proposes an annual deficit as compared with GDP that is worse than the following countries: Guatemala, the Philippines, Aruba, Cuba, Nigeria.

This amendment I'm offering, however, seeks to talk about the debt. For example, the President's proposal is to double the debt in 5 years and to almost triple it in almost 10 years. So we start out with debt held by the public at about 40 percent of gross domestic product. But by 2014, we are at 66.5 percent of gross domestic product under Senator CONRAD's budget. President Obama proposed a 10-year budget—which is a picture of America's future in the same way that a photograph of a first grade class would be a picture of a community's future 10 years out—that actually presented a very honest picture of our future as he sees it. I respect him greatly for that. I just don't like the picture he has presented because that picture, as I mentioned, doubles the debt in 5 years and nearly triples it in 10 years. So we go from a level of debt held by the public equaling about 40 percent of gross domestic product to 82 percent of gross domestic product.

Under President Bush—and we hear a lot of talking about President Bush, we had lower deficits. I was listening to the radio yesterday morning, and they said: How can you Republicans be talking about debt when under President Bush you ran up the debt? True, true. But Senator GREGG offered an amendment that gives us a chance to deal with that because he points out that President Obama would increase the debt more than, not just President Bush, but than all of the Presidents put together, going back to George Washington. That is a very sobering fact. So President Bush may have made some mistakes, but he was not judged on whether he caused Hurricane Katrina. He was judged on how he reacted to it. President Obama certainly didn't create the economic mess we are in, and he won't be judged by that, but he will be judged—and the majority party will be judged—by how they react to it. I don't believe doubling the debt and tripling the debt is the way to grow the economy or restore good jobs.

I see the Senator from New Hampshire here, and I would like to ask him about these gross domestic product discussions—90 percent of this and 20 percent of that and a trillion of this—all of that makes the case, but it is hard to fathom.

Through the Chair, I would ask the Senator from New Hampshire how would he put it in terms that the average family can deal with, what it means to double the debt in 5 years and nearly triple it in 10 years, as the President's budget would do.

Mr. GREGG. Mr. President, if the Senator would yield for the purposes of a question, I will try to make it rhetorical. First off, I congratulate the Senator for his amendment because it is a serious amendment addressing what I consider to be the most serious problem with the President's budget, which is that the amount of debt that is being put on the books by this budget is a result of incredible expansion of the size of the Government and the spending of the Government. It is going to put us in a situation where, as the Senator noted, we will probably not be able to sustain the payment of that debt or we will be forced into a position similar to some of the countries the Senator mentioned, which is serious inflation or an inability to borrow money because people will worry about the ability to be able to pay it back and our concern about the devaluation of the dollar.

It is hard, I think, and inappropriate for one generation to put that much debt on the back of another generation.

So what the Senator is proposing is—not that you can't pass a budget, but when you do pass a budget that raises the public debt and grows debt, in this case up to 90 percent of GDP, at a level of countries such as Cuba and Aruba—what were the other countries?

Mr. ALEXANDER. Guatemala, the Philippines, Aruba.

Mr. President, I ask unanimous consent that the Senator from New Hampshire and I be allowed to engage in a colloquy for the remaining minutes we have.

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

Mr. ALEXANDER. Guatemala, the Philippines, Cuba, Nigeria, and Aruba are countries that have an annual deficit level lower than we will have.

Mr. GREGG. And the debt level, too, I suspect. In fact, we could not get into the European Union at the debt level of 90 percent of GDP. They would not even allow us in.

Mr. ALEXANDER. Lots of times Members of Congress sort of make fun of Europe and make fun of France and say: Well, that is French. We don't want to be French. It is embarrassing to stand here and say the situation exists where, if the United States were applying to be a member of the European Union, our annual deficit level would be too high to be admitted. We would be unable to qualify for the entire 10 years projected in this budget if we were to choose to do that.

Mr. GREGG. That is correct, as a result of this budget proposed by the President, because the budget proposal is a dramatic expansion in spending—an expansion of spending up to levels we have not seen since World War II in terms of gross national product. Huge numbers.

The Senator asked how can this—these huge numbers, which nobody can understand, $1 trillion or 90 percent of GDP—how does that translate to the person who lives on Main Street? Well, basically it means at the end of this budget, every household in America will have an obligation relative to the Federal debt that is owed of $133,000. That is probably going to exceed a lot of mortgages they have. So not only do you have your mortgage on your house, but you are going to have a Federal debt which you are responsible for of $130,000. The service on that debt—in other words, the interest costs to pay for that debt—will be $6,200 a year.

Mr. ALEXANDER. Mr. President, if I may ask the Senator from New Hampshire, who will be the mortgage holder on that debt in 20 or 30 or 40 years?

Mr. GREGG. Well, China regrettably. They are the primary mortgage holder, although other nations also hold our debt. Russia owns a lot of it, and Middle Eastern countries, such as oil-producing emirates and Saudi Arabia. Obviously, America also owns some of its debt. But the countries outside our Nation, regrettably, have raised their level of ownership of our debt. It has actually been good for us because some people have been able to borrow from us; we have borrowed from people who lent us money—primarily, China, Russia, and other countries in the Middle East have been lending us money.

When we pay back this debt, which is going to be run up dramatically—doubled in 5 years and tripled in 10 years by this budget—we are basically going to be sending hard-earned money from Americans to these other nations.

Mr. ALEXANDER. If the mortgage holders around the world—China, the Middle East, and other countries—worry about our ability to pay it back, I suppose they could simply stop buying our dollars or ask us to pay them more or pay a higher interest rate for our mortgage debt.

Mr. GREGG. That is absolutely right. That comes out of every American's ability to have a better lifestyle here. It means Americans will have to pay higher taxes, and they will not have as much discretionary money to spend on buying a house, sending their children to college, buying a car, and doing things Americans like to do in order to enjoy a good life. So much of the income of America will have to be poured into paying off the debt, which will be run up by this budget.

There is an interesting fact that I know the Senator is aware of: By the time we get through the 10-year period proposed in the budget, the amount of money that we as a nation will pay in interest—just interest—on the Federal debt will be over $800 billion, or almost a trillion dollars. That is interest annually. That will be more money than we spend on defending America, on our national defense.

Mr. ALEXANDER. We have been worrying about sending billions of dollars overseas to buy oil. So we should be worried about sending half of that money overseas to pay interest on the debt.

The Senator from New Hampshire was Governor of New Hampshire, as I was Governor of Tennessee, and we used to have a friendly competition about which had the most conservative fiscal policies. Of course, Tennessee did, but one thing we always tried to do was keep our debt low because that

meant we had more money for schools and for State parks and for hospitals. What happens when we run the debt so high that we are paying $800 billion in interest, which I believe is 8 times more than the Federal Government spends on education each year and 8 times more than the Federal Government spends on transportation each year. We are taking away the money that we would invest to make this a better country in the future.

Mr. GREGG. The Senator is absolutely correct. We will spend this money for the purpose of paying interest and, as the Senator points out, maybe more than half the interest payment will go to the people in China, Russia or in the Middle Eastern countries, rather than spending it here to build better schools or basically make sure our national defense is adequate, which is the primary responsibility of the Government, or to build better roads or invest in energy. That seems to be a very bad policy to me.

Mr. ALEXANDER. How much time do we have, Mr. President?

The PRESIDING OFFICER. The Senator used 16 minutes. There is 44 minutes left in support of the amendment.

Mr. GREGG. Mr. President, I believe we had an agreement that, under this amendment, our side would have 25 minutes and the other side would have 25 minutes.

I ask unanimous consent that we be able to have another 5 minutes on our side, and then we will go to the other 25 minutes.

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

Mr. ALEXANDER. Mr. President, I see the Senator from North Dakota here. We have been talking about Senator GREGG's amendment, which would try to put some limit on the size of the debt. And we have been talking about my proposal, the runaway debt point of order, which would say debt is not where it should be, so let's say whoa out there and let ourselves and the American people know when we reach a debt level of 90 percent of GDP and that we should not have a budget in any year that does that.

I know the chairman, Senator CONRAD, has said in committee he didn't think that was a very effective way to do things. I wonder why that is true because it seems to me it would be extremely effective to shine a big spotlight on the Senate and say you have proposed a budget where debt exceeds 90 percent of the gross domestic product of this country for a year. You cannot do that, unless a bipartisan group of 60 of you agree to do it.

I wonder whether Senator GREGG believes these kinds of limits or spotlights would be a helpful tool in beginning to reduce the staggering debt these budgets propose.

Mr. GREGG. I think they would be. First off, we are not barring the ability to bring a budget to the floor. We are simply saying any budget that anticipates the debt of the United States, which in this budget potentially is occurring or which would occur under this budget as proposed from the President, that has a general debt of over 90 percent of GDP, gross national product, requires 60 votes. Why shouldn't it? If you are going to do that and step off down the road of basically banana republicanism—is that a word?—you ought to have a major vote to do that, a supermajority to accomplish that.

I don't want to be like some of these nations listed by the Senator from Tennessee. I would rather not find myself in a situation where we basically cannot afford our debt and we are passing on to our children a nation which has been so profligate in its spending that it ran up a debt to make it impossible for our kids to have such a life as good as the one we have had.

Mr. ALEXANDER. Mr. President, I believe our time has expired. I ask unanimous consent to allow a couple more minutes because I see Senator KYL from Arizona who wishes to speak briefly.

Mr. CONRAD. Mr. President, I yield 2 minutes off my time to Senator KYL. I do that not because I am eager to hear from Senator KYL but because I would like to maintain the overall time constraint we have put into place, given all the other demands. I am happy to yield to the Senator.

Mr. KYL. Mr. President, I am appreciative and chagrined at the same time. I appreciate very much the courtesy. The only point I wished to briefly make—and I don't know whether it was made before with specificity—is that there is a reason why the debt and the deficits matter. It is because so much of it is held by other countries. Those other countries are becoming very concerned about the debt they hold in America.

We don't have an unlimited ability to continue to sell this debt to other countries. I just got these statistics. The Chinese specifically hold $727 billion or about 23.6 percent of all foreign holdings of U.S. debt. The Japanese hold $626 billion or 20 percent. Others are held by Persian Gulf countries. When they hold this debt, they both have a very large indirect stake in the kinds of policies we can pursue as a nation, and they also, obviously, would affect our future ability to borrow by their assessment of the quality of the debt and of the value of the dollar.

To this point, the Chinese Premier, in response to a question at a news conference, said:

> We have lent huge amounts of money to the United States. Of course we are concerned about the safety of our assets.

My only point is, it is not just a matter that there is more debt in this budget than the entire history of the United States combined—there is a reason to be concerned about that debt beyond the fact that our kids and grandkids are going to have to pay it back—but today and tomorrow how that debt is viewed by the holders of the debt in other countries. Therefore, I think we ignore that at our peril.

I appreciate the willingness of the chairman to lend me a couple minutes to make that point.

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

Mr. CONRAD. Mr. President, look, I believe that, over the first 5 years, this budget resolution takes us in the right direction. The resolution dramatically reduces our deficits, reduces them by more than two-thirds, it reduces our deficit as a share of gross domestic product from 12.2 percent this year down to less than 3 percent in the fifth year.

The place where I would actually agree with my colleagues is in the second 5 years of either the President's budget or, frankly, mine, although mine would have substantially less debt than would the second 5 years of the President's. My own belief is getting down to 3 percent of GDP is not enough. Why is it not enough? Because at 3 percent of GDP, you stabilize the debt. That is why it is so critical to get there. At least that is what the economists tell us.

The problem with that, I believe, is I don't think stabilizing the debt at those high levels is an acceptable outcome. I think when the Senator talks about the Chinese Premier—when Senator KYL talks about the Chinese Premier sending a warning shot, we had better take that very seriously. I think that when we see the U.S. gross debt approaching 100 percent of GDP—gross debt as distinguished from the publicly held debt—that is a real warning flag. I understand that Japan's debt is about 180 percent of their GDP and rising. I don't think it is healthy for them or for us to have public debt so high relative to GDP once the immediate crisis has passed.

Look, the problem I have with the Alexander amendment is not the sentiment behind it; it is the specifics of the amendment because what does it provide? The amendment says you are going to have a 60-vote point of order against the budget resolution when you are at those debt levels. Senator ALEXANDER said it himself moments ago—we would not do a budget when we get to those debt levels. I don't think that is what he meant because that is not what his amendment provides. The amendment provides a 60-vote point of order against the budget resolution at those levels. I just don't get how that is the solution to the buildup of debt.

I think one of the last things you would want to do is make a budget resolution more difficult because the budget resolution actually has the disciplines, the points of order, and the supermajority points of order that help discipline the budget process, which makes it easier to prevent more appropriated spending.

Let me say this. I have been through this exercise of cutting $160 billion over 5 years from the President's discretionary proposal. I have the scars to prove it. I will tell you, if you want an intense experience around here, cut domestic discretionary spending. That is

what this budget does. There are a lot of people who are not happy about it—very much not happy. I don't know what else you do when you are faced with losing $2 trillion in revenue.

I say to my colleagues that I agree very much with the sentiment that Senator ALEXANDER has expressed about the dangers of debt. I have said many times on the floor of the Senate that debt is the threat. The debt is the threat. I will just say this: In the previous administration, we never heard the word ''debt'' leave the mouths of the President or Vice President of the United States. Never did you hear them talk about the debt of the United States. Do you know why? Because they doubled the debt during their time. Our colleagues were complicit in that activity. They stood and voted with them to endorse the policies that doubled the debt of the United States. That was during good economic times.

In the final year of the Bush administration, the economy plunged into the worst condition since the Great Depression. That is true. But in the early days of that administration—well, the early days were recession, too. They began in recession and they ended in a very severe recession. But in between, we had a number of years of economic growth, but that growth was propelled by writing trillions of dollars of hot checks. That is what was being done during the Bush administration. The result is right here. This is what they did to the debt. They doubled it. That is the Bush legacy—doubling the debt of the United States and, again, during relatively good times. Our friends on the other side of the aisle were with them every step of the way as they took us right over the cliff.

Why did we wind up in this devastating economic downturn? I personally believe it was the result of four factors: No. 1, a very loose fiscal policy under the control of the Congress and the President of the United States. And I fought it every step of the way. I opposed this massive buildup of debt because I thought it would fundamentally threaten the economic security of the country.

No. 2, a loose monetary policy under the control of the Federal Reserve. After 9/11, the Federal Reserve kept interest rates low. So we had a combination—very unusual in economic history—of very loose fiscal policy and loose monetary policy. On top of that, we had a dysfunctional trade policy with trade deficits running well above $700 billion a year, meaning we were consuming substantially more than we could produce. We were sending vast sums of money to other countries to buy their energy, to buy their goods and to, in effect, make them our bankers, because guess what? We financed our budget deficits largely through foreign borrowing.

No. 4, we had a very loose regulatory climate in which nobody was watching these derivative instruments, these other exotic investment tools, the mortgage-backed securities that were created by people who lent money and did not care if they got repaid because as soon as they made the mortgage, they packaged it in these collateralized debt obligations and they took those packages and sold them around the world and got huge fees from it, made a lot of money from it, didn't care if the people who had the underlying mortgages paid them back or ever had any prospect of paying them back because they were not there to collect. They had shuffled it off to somebody else. They didn't shuffle it off just to American banks, they shuffled it off to banks all around the world, precipitating this crisis.

On top of it all, we had investment banks going from 11-to-1 leverage to 30 to 1. These guys were no fools. They thought to themselves: This is going to be great, we go from 11-to-1 leverage to 30-to-1 leverage. What does that mean? Let's say you bet on the price of oil and the price of oil goes up a buck. You make $11 if you have 11-to-1 leverage. If you have 30-to-1 leverage, you don't make $1, you make $30. But leverage works both ways. It works very well when things are going up. It does not work so well when things are going down.

What did these guys figure out? They figured out: Let's see if we can't find somebody to sell us insurance against the downside risk of the debt we are incurring, against the downside risk of the deals we are entering. So, in case the complicated packages of loans we're holding as assets begin to default, we will be covered.

That leads us to AIG, doesn't it? Because AIG, which had been a very strong insurance company, a highly respected company worldwide, had this little skunk works over in England, about 300 people, who started writing these exotic insurance policies called credit default swaps which insured owners of debt securities against default on the underlying loans. AIG sold that insurance at very high premiums and earned huge profits on those insurance sales. The buyers paid those premiums because having the insurance from AIG insulated them from downside risk. Or so they thought.

So what went wrong? What went wrong was that AIG never took any steps to cover their potential insurance obligations in case things went bad. They did not have the capital to back up the insurance agreements they entered into. So when things, in fact, did go bad, they could not come up with the money to provide the insurance that others had paid in expensive premiums to purchase.

It reminded me of the guy—remember back in the World Series when it was in San Francisco and they had the earthquake? We are watching the World Series and all of a sudden, the stadium starts shaking. I heard about a guy out in the Bay area who, after that, came up with a scheme to sell earthquake insurance. His earthquake insurance idea was that he would get you a helicopter within 15 minutes of the next earthquake to rescue your family, or rescue your top executives. He goes around and starts selling insurance to have a helicopter rescue you within 15 minutes, he starts collecting premiums. The problem is he did not have any helicopters.

That is basically what AIG was doing with their bogus debt insurance—insuring the debt of already heavily leveraged banks and investment banks against defaults on their debt securities. When it was revealed that AIG had not covered its bets, could not cover its bets, credit markets seized worldwide.

Shame on them. Shame on all of them. They put the world's economy at risk, and we are reaping the whirlwind today.

If I am right about this analysis that the seedbed for all of this is created by very loose fiscal policy, massive runup in debt, loose monetary policy by the Federal Reserve, irresponsible trade policy, and almost no regulatory oversight—that is the seedbed for the current precipitous decline. That is what I believe.

Senator, if you believe that, why are you writing a budget that has more debt? Very simply because when you are in a steep contraction, a steep decline, the only entity big enough to provide the liquidity to prevent a complete collapse is the Federal Government. Consumers cannot do it. They are tapped out. Companies cannot do it. They are tapped out. The only one left to do it is the Federal Government.

If we do not do it—if we did not do it—the precipitous decline we are already in could become a deflationary spiral that would suck this economy down, like the Great Depression.

Let's remember, we have 8.1 percent unemployment today. In the Great Depression, they had 25 percent unemployment. Ninety percent of the stock market's value was lost in the Great Depression. It took them decades to recover. We think we have problems now? Don't pursue the right policy options, don't have the Government provide liquidity, don't have the Government provide things such as guarantees to money market funds. I tell you, I was in the room with the previous Secretary of Treasury and the head of the Federal Reserve when they came one night to tell us—not to consult us, to tell us—they were taking over AIG the next morning. Leaders of Congress were there, the chairmen of the Banking Committees were there, the chairmen of the Budget Committees were there, and the ranking members of the House and Senate were there. We were told in no uncertain terms by the Secretary of the Treasury—not this one, the previous one—and the Chairman of the Federal Reserve that if they did not take over AIG the next morning, there would be a global financial collapse. That is what they told us. And they did not just use those words; they

provided a lot of specifics of the companies that would be on the brink of going under within 1 week if we did not provide the assistance required and if they did not make the decision to take over AIG.

Again, they were not there to consult us. They were not there to ask us. They were there to tell us what they were doing.

If this analysis is correct—and I believe it is—then our current economic circumstance is the result of an overly loose fiscal policy, overly loose monetary policy, dysfunctional trade policy, coupled with deregulation that provided no oversight.

These deals by AIG, those derivative deals—nobody even has a list of what these deals were around the world. There is not even a list because there was no requirement for any governmental agency anywhere to oversee it.

There are real consequences to policy failures. In the short term, there is no question in my mind we have to take on additional deficits and debt in order to give lift to this economy and provide liquidity to prevent a much greater collapse.

As this economy strengthens and recovers—and it will—we then have to pivot to get back to a more sustainable long-term policy. But honestly, I don't think the answer is the Alexander amendment. I think the answer is something much more like what Senator GREGG and I proposed, which is a special task force with everything on the table made up of 16 Members of Congress, members of the administration, everybody with some responsibility to come up with a plan to dig out. That is what I believe is the appropriate response.

Again, I would resist the Alexander amendment because I think it could in a strange way actually make things worse. Not to have a budget resolution, not to have the disciplines that are provided for in a budget resolution I think would be a big mistake because in a budget resolution, there is a whole series of points of order against additional spending, against excessive spending, 60-vote hurdles. Without a budget resolution, we would be left with simple majority votes.

Anybody who has been here, if we get an appropriations bill out on this floor and not have any of the budget protections that are in the Budget Act in a budget resolution—it is open checkbook, open checkbook. That is what would happen.

I have enormous respect for Senator ALEXANDER and for Senator GREGG. They are well motivated. They are serious about this country's economic future. But I believe this particular solution, as I said earlier—this is a circumstance in which the cure is worse than the disease. I hope my colleagues will resist it.

I ask the Chair, how much time is remaining on the Alexander amendment?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. CONRAD. No, I think not. They are counting the official 2 hours. That is not the agreement we are operating under. Maybe we should clarify. If we are at 60 minutes equally divided, including the time already used, would there be any time remaining on this amendment?

The PRESIDING OFFICER. The Senator would have 14 minutes remaining. Senator ALEXANDER would have no time remaining.

Mr. CONRAD. Mr. President, I ask unanimous consent that following the use or yielding back of time on the Lieberman-Collins amendment, the next amendments to be debated are the following: the Alexander amendment regarding debt, with 60 minutes equally divided, including the time already used, and we will come back to the disposition of the remaining time on that amendment; the Sessions amendment regarding a discretionary freeze, 45 minutes equally divided, with Senator INOUYE in control of 10 minutes in opposition; that upon the use or yielding back of time on the amendments, the amendments be set aside and the Senate proceed to a period of debate only with the following order: Senator CARDIN recognized for 15 minutes; Republican members of the Joint Economic Committee recognized for 30 minutes; myself or my designee for 30 minutes; following the remarks of Senator CONRAD or his designee, the Senate continue for debate only for Senators to speak for up to 10 minutes each on the resolution or on amendments they intend to offer at a later time; further, that speakers alternate between the two sides; finally, that the previous order with respect to Senator CONRAD or his designee to offer a side-by-side amendment to amendment No. 735 remain in effect.

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

Mr. GREGG. Mr. President, I ask unanimous consent that all time remaining on the Alexander amendment be yielded back.

Mr. CONRAD. There is no objection to that.

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

Mr. CONRAD. Mr. President, that would take us, if I am not mistaken, to the Sessions amendment, and we understand he will be here shortly, so that leaves some time.

Mr. President, I can announce on behalf of the leader that as a result of this agreement there will be no further rollcall votes today. It will be our intention to try to stack votes at approximately 11 a.m. tomorrow. I think we will need to finalize and formalize that and announce it later in the evening, but that will be our intent.

Are we in agreement on that, I ask Senator GREGG?

Mr. GREGG. Yes.

Mr. CONRAD. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, one part of the unanimous consent request was that at the end of today, at the end of all the speakers and when we have exhausted all the time today, we will have 20 hours left on the resolution to be equally divided. Mr. President, one other caveat I would like to have as an understanding is with respect to Senator INOUYE. If he is somewhat late because of other responsibilities, he would still have his full 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. CONRAD. I thank the ranking member, and we thank Senator SESSIONS for being not only on time but ahead of time. He sets a very good example for our colleagues. We appreciate very much Senator SESSIONS being here early.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 772

Mr. SESSIONS. Mr. President, I have filed and call up amendment No. 772 and ask that it be the pending business.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 772.

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

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

The amendment is as follows:

(Purpose: To restore the budget discipline of the Federal Government by freezing nondefense discretionary spending for fiscal years 2010 and 2011, and limiting the growth of nondefense discretionary spending to one percent annually for fiscal years 2012, 2013, and 2014)

On page 4, line 14, decrease the amount by $34,170,000,000.

On page 4, line 15, decrease the amount by $38,847,000,000.

On page 4, line 16, decrease the amount by $45,300,000,000.

On page 4, line 17, decrease the amount by $50,655,000,000.

On page 4, line 18, decrease the amount by $57,729,000,000.

On page 4, line 23, decrease the amount by $23,170,000,000.

On page 4, line 24, decrease the amount by $37,847,000,000.

On page 4, line 25, decrease the amount by $43,300,000,000.

On page 5, line 1, decrease the amount by $49,655,000,000.

On page 5, line 2, decrease the amount by $56,729,000,000,000.

On page 5, line 7, decrease the amount by $23,170,000,000.

On page 5, line 8, decrease the amount by $37,847,000,000.

On page 5, line 9, decrease the amount by $43,300,000,000.
On page 5, line 10, decrease the amount by $49,655,000,000.
On page 5, line 11, decrease the amount by $56,729,000,000,000.
On page 5, line 17, decrease the amount by $23,170,000,000.
On page 5, line 18, decrease the amount by $61,018,000,000.
On page 5, line 19, decrease the amount by $104,317,000,000.
On page 5, line 20, decrease the amount by $153,972,000,000.
On page 5, line 21, decrease the amount by $210,701,000,000.
On page 5, line 25, decrease the amount by $23,170,000,000.
On page 6, line 1, decrease the amount by $61,018,000,000.
On page 6, line 2, decrease the amount by $104,317,000,000.
On page 6, line 3, decrease the amount by $153,972,000,000.
On page 6, line 4, decrease the amount by $210,701,000,000.
On page 26, line 24, decrease the amount by $170,000,000.
On page 26, line 25, decrease the amount by $170,000,000.
On page 27, line 3, decrease the amount by $847,000,000.
On page 27, line 4, decrease the amount by $847,000,000.
On page 27, line 7, decrease the amount by $2,300,000,000.
On page 27, line 8, decrease the amount by $2,300,000,000.
On page 27, line 11, decrease the amount by $4,655,000,000.
On page 27, line 12, decrease the amount by $4,655,000,000.
On page 27, line 15, decrease the amount by $7,729,000,000.
On page 27, line 16, decrease the amount by $7,729,000,000.
On page 27, line 23, decrease the amount by $34,000,000,000.
On page 27, line 24, decrease the amount by $23,000,000,000.
On page 28, line 2, decrease the amount by $38,000,000,000.
On page 28, line 3, decrease the amount by $37,000,000,000.
On page 28, line 6, decrease the amount by $43,000,000,000.
On page 28, line 7, decrease the amount by $41,000,000,000.
On page 28, line 10, decrease the amount by $46,000,000,000.
On page 28, line 11, decrease the amount by $45,000,000,000.
On page 28, line 14, decrease the amount by $50,000,000,000.
On page 28, line 15, decrease the amount by $49,000,000,000.
On page 50, line 13, decrease the amount by $34,000,000,000.
On page 50, line 14, decrease the amount by $23,000,000,000.

Mr. SESSIONS. Mr. President, as so often has been said, we are on an unsustainable path of taxing and spending and borrowing. The numbers are larger than anything we have ever seen before in the history of our country. We have dueling charts and different views and obfuscation and spin and talk and all that kind of thing, but the bottom line is that our debt is surging under this budget—President Obama's budget and the Senate budget and the House budget—to a degree we have never seen before. I think that much is not disputable.

President Bush had a $412 billion deficit at the time of the recession he inherited and the war in which we found ourselves. Then it dropped until 2007 to $161 billion. This Congress, responding to the President's requests—without my vote—added another $150 billion and sent out the checks last spring, which did nothing good for the economy, although everybody was glad to get the free money from Washington. That caused us to reach $455 billion in deficits for that year—the largest in the history of the Republic outside of World War II. This year, the deficit will be $1,800 billion—four times that. Next year, we will be over a trillion.

The Congressional Budget Office scores President Obama's 10-year budget as averaging over $900 billion in deficit each year—almost $1 trillion in deficit each year—with no plan to bring that down. In fact, it surges in the 10th year to $1.2 trillion, according to the Congressional Budget Office. The CBO is our group, a bipartisan office, though the Democratic majority hires them. But basically we have a good group, and they are honest numbers. So that is what we are looking at.

To say President Bush's $455 billion deficit he had in his last year—which every dime of that was appropriated by the Democratically controlled Congress—somehow excuses the path we are on today is unbelievable. The year before last, he had $161 billion. They are going to average $900 billion.

What does it mean in terms of interest? Most people can understand this. When you borrow money—and we have to borrow the money. That is where we get the money. It doesn't drop out of the sky. If we print it, it debases the value of the currency. So we are borrowing. That is what we plan to do, to borrow the money and pay interest. This year, interest on our over $5 trillion debt is $170 billion.

This chart shows the trend of the interest this Government will pay each year on the debt we are now adding to each year in unprecedented record numbers. It goes from $170 billion in 10 years to $806 billion. This is a thunderous alteration of our financial situation. This is not politics; this is the President's budget as scored by the Congressional Budget Office. These are not my numbers but CBO's numbers.

I know the budget we have today on the floor is a 5-year budget. They didn't like the looks of the President's 10-year budget, so my colleagues cut it to a 5-year budget. There is nothing in this 5-year budget that suggests there is any effort to contain the surging deficit in the outyears, which continues to surge. There is nothing in the budget that suggests we are going to control entitlements or any other spending. In fact, Mr. Orszag, who used to be CBO Director but who is now the President's Director of the Office of Management and Budget, says the Senate budget is essentially ''98 percent of what the President wanted.'' So it is essentially the same budget. It puts us on the same path. You can spin it any way you want to, but that is true. Those of us here in the body know that. Anyone who is sophisticated about it understands what is happening, and it is very troubling.

The President proposed an 11½-percent increase in domestic nondefense discretionary spending this year. That is a thunderous number, particularly in light of the fact that we just passed, a few weeks ago, a stimulus package that added $800 billion in spending on top of all of the fundamental baseline spending we have. Scored over 10 years, that is $1.2 trillion based on the interest to it.

So our colleagues in the Senate Budget Committee thought that didn't look good and it was easier, I think, to just propose a 5-year budget so they wouldn't have to deal with these numbers out here. No changes were made that would have actually created any real reduction in those numbers. They propose, instead of an 11-percent increase in domestic discretionary spending, a 7-percent increase. That is on top of the stimulus package. Surely we all know that every penny of that stimulus package was paid for by increased debt. We are already in deficits, so when you add another $800 billion, where do you get it? You borrow it.

You know the House is not outside of this game. They are in the game too. What does their budget do on nondefense discretionary spending? Their budget projects an 11½- to 12-percent increase in discretionary spending. They passed their budget. So if we go to conference with this bill, the Senate will be at 7, the House will be at 11 or 12, the President is at 11 or 12, and I suspect we will come out with a budget that increases by about 10. Let me just note that an 11½-percent increase over 7 years doubles your money. You know the rule of 7: If you have 7 percent on your money, in 10 years it doubles.

Here we are talking about a rate of increase that will double nondefense discretionary spending in 10 years—probably considerably less than that. That is why the baseline funding is important.

I have to note, in all frankness, that our Senate budget is less honest—I will use that word for lack of a better one—than the President's. The President scored the cost of fixing the alternative minimum tax for 10 years, which he says will be about $600 billion.

The President also scored the cost of fixing our doctors' medical payments that, if we do not put money in, will drop down 20 percent. Our Senate budget doesn't fix that. So that is maybe how they make the numbers look a little better. But I want to say these numbers are huge.

Madam President, what is the status of our time?

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has used 9 minutes 27 seconds.

Mr. SESSIONS. I wish to be notified when I have 6 minutes remaining.

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

Mr. SESSIONS. Madam President, this is a dangerous exercise we are in. I want to say a couple of things. The surging of debt and interest payments is not due to an expectation by the Senate or the President that we will be in a recession or in an economic slowdown. This is the only year they are scoring us as having negative growth. The President expects 3 percent next year and 4 percent the next and 3 years which is robust growth. Those are the kinds of numbers that President Reagan and President Clinton had in their best years. So that is not why we are going deeper and deeper in debt with a $1 trillion 1-year debt in the 10th year. It is because of spending.

States are facing financial crisis. This year States are expected to reduce their spending by 4.1 percent. Are they going to disappear from the face of the Earth? No, they are making some tough decisions. They are wrestling with costs, fraud, accountability, efficiency, productivity. We need to be doing that instead of throwing money at this problem.

I suggest that, with the huge surge of stimulus funding, we ought to keep the baseline level for 2 years. We will be spending huge amounts of money—65 percent more nondefense discretionary budget authority in the first 2 years with the stimulus money pouring into the system. So I suggest we could achieve a significant improvement in our long-term fiscal situation by saying during this time of stimulus spending we will have a 2-year freeze and then we will go up to a 1-percent increase.

Flat spending does not require us to savage anybody's budget. The power is given to our appropriators to work out exactly how some programs might take more than others. Others could still get an increase. But fundamentally we need to set here, as a principle, we are going to have a budget that actually contains baseline spending and it will save $226 billion over 5 years. I project it would save at least that much in the second 5, maybe more because the baseline of our budget would not have gone up so much.

What about this interest on the increasing debt? It amounts, today, in 2009, that every household is paying to the Federal Government $1,435, just to pay the $170 billion in interest. That number in 5 years, 2014, will increase to $3,433 per household, to pay the interest on the debt. With interest rates increasing as we expect—unfortunately as they are going to be doing with this inflationary budget—the number may well be twice that in 10 years. That is an unsustainable path.

I propose we take this step. It is a rational step in light of the huge stimulus package we passed—without any cutting of total expenditures but an unprecedented increase in our expenditures would still occur with flat funding, level funding for 2 years and 1 percent for 3 years. I think this is a rational approach we could be proud of.

Yesterday the Wall Street Journal noted that nations such as the United States and the United Kingdom will be tempted to use inflation to pay their massive debts. Households in the United States are among the most indebted in the world. People on fixed incomes would be most hurt by inflationary rates. Other nations might also continue to borrow, creating more nations seeking to borrow more and more money, therefore having to raise interest rates to get people to buy their debt, which could mean that the estimate that in 2019 we would be paying 5.5 percent on our Treasury bills would probably be low. In fact, it could be much higher.

Indeed, Mr. Rogov was quoted in the Wall Street Journal. He is at Harvard. He was the chief economist for the International Monetary Fund. He predicted—hold your hat. This is something new. He predicted that inflation in the United States could hit up to 10 percent in the next 3 to 5 years, all because of this incredible spending spree we are on.

Let me say this to my colleagues. This country is going to come out of this economic problem. We don't have to spend irresponsibly now. We have already spent an incredible amount of money in the stimulus package. Our baseline budget needs to start getting frugal, to challenge us to get more for less in the Federal Government. The best way the U.S. Government can help the American people and the American economy is to use every dollar our Government gets wisely, to get the best possible return for it. You will not get that kind of return throwing money around as rapidly as we are throwing it today. In fact, I think it is a general acknowledgment that the surge in spending under the stimulus package, plus 7, 8, 12 percent increase in general spending, will throw so much money so fast that our Presiding Officer, who doesn't like waste, fraud, and abuse, is going to have a lot to do to watch out for it because, like her, we have been prosecutors and we know that you have dangers out there in spending money unwisely.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. SESSIONS. I believe the issues we are talking about today are not insignificant. They represent the direction the President of the United States wants this country to go—which is huge spending without compensating cuts, with tax increases but not enough to cover it—and that this is an unsustainable path. This amendment would be a significant step in the right direction. With the stimulus package that has already been passed this year, we will still have sizable increases in discretionary spending across the board, and we will be able to carry on all requirements of our Government without having to spend this much of our children's money.

Maybe we won't have to pay $806 billion a year in interest, when our education and highway budgets will each be about $100 billion. The education budget and the State general fund budget in Alabama, for the teachers and schools and highways and police and the Governor and the legislature—all of that is less than $10 billion a year and we are talking about $806 billion in interest? It is not responsible.

I thank my colleagues for giving this amendment their serious consideration. I believe it is the right step and the right direction.

I yield the floor.

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

Mr. CONRAD. Madam President, when I hear the other side all of a sudden concerned about debt, it raises the question in my mind: Where were they? Where were they over the last 8 years when their administration doubled spending, doubled the debt as is shown in this chart, and they were voting for all of the policies that led to these results? Now they come and all of a sudden they are very concerned about debt. I have been concerned about debt the entire 22 years I have been here. But I also recognize that when you are in the sharpest economic downturn since the Great Depression, trying to freeze spending or trying to cut spending or raise taxes doesn't make a whole lot of sense. That would make the downturn only worse.

Senator GREGG, who is the ranking member on the committee, recognized that in a floor statement on March 11. I referred to this earlier today. March 11 is riveted in my mind because it is my daughter's birthday. My birthday is the next day. And this year—you know, typically Senator GREGG and I exchange birthday gifts. This year I got no present. I didn't even get a card. I did get this statement—which is very helpful. So I will take this as my gift. He said:

> I'm willing to accept this short-term deficit and not debate it because we are in a recession, and it's necessary for the Government to step in and be aggressive and the Government is the last source of liquidity. And so you can argue that this number, although horribly large, is something we will simply have to live with.

He was right then. I say it is very clear, if we are going to have any kind of rational economic policy, we have to be taking the steps necessary to prevent a much steeper slide. That is the near term. In the longer term we have to pivot and get this debt under control. That is critically important. This budget seeks to do that by cutting the deficit by two-thirds by 2014.

Under the budget resolution we go from $1.7 trillion of deficit this year—most of which is a responsibility of the previous administration because we are living off their last budget.

Then we are going to cut the deficit $500 billion in this resolution before us, the next year cut it another $300 billion, the next year cut it another $300 billion and get it down to $508 billion by the fifth year, a more than two-

thirds reduction. If you measure it the way economists prefer, we are reducing the deficit from 12.2 percent of GDP in 2009 down to 2.9 percent in 2014. That is a very substantial reduction, a reduction of more than three-quarters over the 5 years of this budget.

With respect to the question of spending, let me be clear what this budget does. On discretionary spending, both defense and nondefense, we bring the spending down as a share of GDP in both categories and by about the same amount. For example, defense in 2010 is 4.8 percent of GDP. At the end of the budget period, we will have reduced it to 3.7 percent of GDP. Nondefense discretionary this year is 4.7 percent of GDP. By 2014, we will have reduced it to 3.6 percent of GDP, a roughly proportionate reduction in both defense and nondefense discretionary spending.

On domestic discretionary spending, the percent of the GDP under the budget resolution is reduced from 4.3 percent in 2010 to 3.2 percent in 2014. On total domestic discretionary spending—and this excludes international—we bring it down from 4.3 percent of GDP to 3.2 percent of GDP.

Let me be clear: The average annual increase in nondefense discretionary spending under this budget resolution is 2.5 percent. That is a pretty tough budget. Anybody who doesn't think it is a tough budget, come and join me in my office for the next 2 hours and see the phone calls I am getting from colleagues and others who say: Won't you add a little more here or a little more there. I have to say: No, no, no. Why? Because we have to get on a more sustainable budget course.

The increases we do have, where do they go? Where does the money go? Thirty-seven percent of the increase in discretionary goes for regular defense funding. International is the next biggest increase, 14 percent; that is, 14 percent of the increase that we have provided in total discretionary goes for international funding. Why did we do that? Because, again, in the previous administration, they kept hiding money. They kept it out of the budget, and they kept putting it into supplemental appropriations bills in order to try to hide the ball. We are not hiding the ball. We are laying it right out there.

I had both the Secretary of Defense and the Secretary of State call me the weekend before last, asking me to do more for international funding. It is very rare. I have never had the Secretary of Defense on any budget call me and ask me to have more funding for international accounts. Why did he do that? He made it very clear that we have been funding in the defense budget things that more properly belong in the State Department budget. I had to tell the Secretary of State and the Secretary of Defense I was having to cut that line by $4 billion from the President's request, still providing an increase but reducing the amount the President requested by $4 billion. Why did I do that? I did that because we lost $2 trillion from the revenue forecast. When you lose $2 trillion, guess what. You have to make some changes. Ten percent of the discretionary increase is for veterans. We have given veterans the biggest increase in the history of the Senate Budget Committee. We have done it because we recognize these vets are coming home, and they deserve the best health care we can provide. Ten percent of the increase is in education. Ten percent is in income security; 8 percent for the census. We have to do a census every 10 years. It costs money. So 8 percent of the increase was for the census. Six percent is for natural resources, to try to reduce our dependence on foreign oil; 3 percent for transportation; 2 percent is other. That is where the money has gone.

Again, I emphasize, here is the amount of spending increase for nondefense discretionary spending over the 5 years of this budget. It averages 2.5 percent a year. That is one of the most conservative budgets anybody has brought to this floor in a very long time. It is a response to the need to get back to more sustainable deficit numbers. We have done it, reducing the deficit by two-thirds over the next 5 years.

How much time remains on my side? I note the Senator from Texas is here, and we would like to accommodate her.

The PRESIDING OFFICER. The Senator has 12½ minutes remaining.

Mr. CONRAD. How much does Senator SESSIONS have?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. CONRAD. How much time would the Senator from Texas like?

Mrs. HUTCHISON. Five minutes.

Mr. CONRAD. I yield the remaining 3½ minutes of Senator SESSIONS' and a minute and a half of my time so the Senator from Texas has 5 minutes.

Mrs. HUTCHISON. Is that going to take away anything you need from your side? Are you saying there is only 3½ minutes left on our side on this?

Mr. CONRAD. On this amendment. But I am happy to yield the Senator a minute and a half of my time.

Mrs. HUTCHISON. I thank the chairman of the Budget Committee because I know he has tried very hard to do something better than the budget delivered by President Obama and tried to cut back on the deficit. In fact, they have cut back on the deficit. But they have only cut back on the deficit because they made it a 5-year bill instead of a 10-year bill. That is a problem. Because if you take this 5-year bill and extend it 10 years, it is still going to have the same impact. The impact is, this budget is going to double the national debt in 5 years, and it will triple the national debt when it is taken out to its 10-year maximum. In fact, I am hoping we can do some amending on this bill. I am hoping there will be enough time for us to talk about the principles in this bill. This is going to set our country on a course, the likes of which we haven't seen since World War II.

In fact, the Obama budget creates more debt than under every President from George Washington to George W. Bush combined. That is the 100-year budget put forward by the administration. By 2019, under this proposal, the public debt would exceed 80 percent of GDP. That is more than twice the historic average and the highest since World War II.

We have looked, since we have been in this financial crisis, at the models of the past, when we have been in recessions and even looking at the Depression. There are people who have taken the Roosevelt model. When we have looked at historians' viewpoints of the New Deal, in 1941, Federal debt was only about 40 percent of the GDP. Today the national debt is at 57 percent of GDP. I think we are looking at a very slippery slope. In fact, it was said on March 20 by the nonpartisan Congressional Budget Office that the dimensions of the debt problem in the President's budget are that it is one-third more—actually, it would add $9.3 trillion, about a trillion every year—than the Obama administration had estimated when it sent the budget over.

We need to look at some of the bipartisan, nonpartisan economists and organizations looking at this budget. I hope we can have a reality check. We are getting ready to take a step that is continuing what has happened in the last 2 months. We passed a $1 trillion stimulus package and then a $1 trillion Omnibus appropriations bill within a 2-week period. Now we are looking at a $1 trillion deficit, adding to the debt every single year.

On Sunday, March 29, David Broder said in his column:

> The Democratic Congress is about to perform a cover-up on the most serious threat to America's economic future. The real threat is the monstrous debt resulting from the slump in revenue and the staggering sums being committed by Washington to rescuing embattled banks and homeowners in the absence of any serious strategy for paying it back.

In 10 years, the President's budget will spend more on interest payments than on education, energy, and transportation combined. Under the President's budget, the debt per household for fiscal year 2010 would be $78,000. Every household in America would have a debt of $78,000. This ever-growing national debt is going to require larger annual interest payments, with much of that money going overseas, as we know, because foreign entities own 25 percent of our public debt. The Chinese Government already owns about $1 trillion in U.S. debt. What is going to be their answer when they see this debt continuing to go up? Many of us are concerned that they are going to either say: We are not going to buy any more debt. Then we would be in a downward spiral from which I don't see a recovery plan. Or they may say: The

risk is greater and, therefore, we are going to charge a higher interest rate. What is that going to do in these very fragile economic times?

I appreciate the time given by the majority. There will be amendments offered and there will be substitutes. I hope we can have some bipartisanship so we could have a budget that maybe all of us would agree is the right path for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I would like to correct a statement of the Senator from Texas. She said the only change we made to reduce deficits from what the President has proposed was, we went from a 10-year budget to a 5-year budget. That is not the case. We did go from a 10-year to a 5-year budget, because in the 34 times Congress has done a budget, 30 of those 34 times it has been a 5-year budget. The reason for that change is the second 5 years of forecasts are notoriously unreliable—notoriously unreliable.

The reason we have substantial savings from the President's budget over the 5 years of our budget—in fact, we have $608 billion of savings from the President's budget, comparing his 5 years to our 5 years—is because we cut spending, not only discretionary spending, but we cut mandatory spending, and we had revenue changes. The combined result is a savings of $608 billion over 5 years. So we have $608 billion less of deficits and debt. That is the fact.

I see the very distinguished chairman of the Appropriations Committee. Is he seeking time or would he prefer to—the chairman has asked to defer for a couple minutes until he is prepared to discuss this amendment.

Madam President, could I ask, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. CONRAD. Nine minutes. Then the chairman of the Appropriations Committee still has 10 minutes?

The PRESIDING OFFICER. Nine minutes total left on the amendment.

Mr. CONRAD. All right. I thought there were 10 minutes, under the order, reserved for the chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from North Dakota has used part of that time.

Mr. CONRAD. Well, Madam President, I do not know how that would occur without my being notified, but let me ask unanimous consent that the chairman of the Appropriations Committee be given the 10 minutes that was intended.

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

The Senator from Hawaii.

Mr. INOUYE. Madam President, the budget resolution we are considering now proposes to increase discretionary nondefense spending by $35 billion from the level approved in fiscal year 2009. My colleagues should all understand that this is $15 billion less than was requested by President Obama.

As chairman of the Appropriations Committee, I am not particularly pleased that the resolution has cut the President's request by $15 billion. We on the Appropriations Committee know that in order to meet the level proposed by the Budget Committee, we will have to make real cuts in the budget proposed by President Obama.

But I must say that I am surprised that we are now facing an amendment which would seek to cut discretionary spending even more. As I stand here, I find myself somewhat at a disadvantage to explain all the impacts that would occur if further cuts are made.

While we know the overall parameters of the President's budget, we do not yet have most of the details on the thousands of programs which will be reviewed in detail by the Appropriations Committee. That information is not available to the Congress at this moment. So we really do not know which programs that have been supported by the Senate in years past will be proposed for cuts or elimination. We do not know which fees or offsetting collections might be buried in the President's request that the Congress is likely to insist on eliminating, adding to the unfunded costs in the budget. We also know that nearly all of our colleagues will be asking for items that will not be included in the request. We know that many of you will be writing our various subcommittees urging that we adopt new programs and initiatives that might be incorporated in this budget. And we know this for sure: The committee will face a much larger burden than just identifying $15 billion that can be reduced by the President's request.

With the few details we have already received about the budget request, there are a few things that we know would result by freezing nondefense discretionary spending.

First, my colleagues should all be advised that the largest single increase in the domestic spending budget for fiscal year 2010 will be for the census. A $4.5 billion increase is necessary to meet our constitutional responsibility. This amount is needed in fiscal year 2010. It cannot be delayed. The timeliness and accuracy of the census will be in jeopardy if we do not fund this amount.

Second, we are advised that the budget will include a $3.5 billion increase for the Veterans' Administration to cover the cost of medical care inflation, as well as projected increases in VA enrollment, and new initiatives such as the proposal to expand VA health care to over 500,000 modest-income veterans.

Increased veterans health care services and specialty care services targeted at the growing population of Iraq and Afghanistan veterans include prosthetics, traumatic brain injury, and spinal cord injury, which would have to be curtailed if we freeze spending. Surely, the sponsors of this amendment do not want us to cut these needed increases for our veterans.

Madam President, if I may be personal at this juncture—and this is not in my prepared text—I had the privilege and honor of serving in the Army of the United States during World War II. I was literally a young boy. I was 18 when I got in. But I know a few things about that war.

My regiment, the 442nd Regimental Combat Team, has been declared to be the most decorated unit of its size in World War II. It also had one of the highest casualty numbers of any war.

We began our battles in Italy in June of 1944, and the war ended in May of 1945. In those 11 months, we began our service with 5,000 men, infantry men. At the end of 11 months, over 12,000 had gone through the ranks, all brought about because of the necessity of replacements to replace those who had been wounded in action. So when our men got involved in a major battle—I remember one battle that lasted 5 days. At the end of the battle, our casualty rate was 800, and of that number 250 dead. When you see these numbers, somehow Iraq becomes inconsequential: four today, three tomorrow. But at that time, times were a little different. For example, if I had been wounded in Baghdad, I would have been evacuated from that site of battle to the hospital within 30 minutes by helicopter.

On my last battle, when I received three wounds—my arm, my gut, my leg—I had to be evacuated by stretcher. Evacuation began at 3 o'clock in the afternoon. I got to the hospital at midnight—9 hours. So it sounds unbelievable, but with all the casualties we have had, not one double-amputee survived the war. And we had dozens of them, but they bled to death because of the long evacuation. Not one brain injury case survived because of the long evacuation. Not one spinal injury case survived because of the long evacuation. Today, they are all surviving, and this amount will cut it out. Help for them will disappear.

On a final note, I think about this and I chuckle. When I was taken to the hospital at midnight, we were put into a tent about half the size of this Chamber. Hundreds were lined up on stretchers, and teams of doctors and nurses would go down the line, look at the medical card, and whisper among themselves—and you could hear—''No. 1,'' ''No. 2,'' ''No. 3.'' By the time it got to me—I sensed that ''No. 1'' meant: Send him immediately to the operating room; ''No. 2'' meant: Oh, his injury is not that serious, he can wait; ''No. 3'' was: You have done a good job for us. Thank you. So people would see the Chaplain going to all the No. 3's.

The Chaplain came to me. I did not know, but I was designated a No. 3, and the Chaplain said: Son, God loves you.

I looked at the Chaplain, and I said: Chaplain, I know God loves me, but I am not ready to see Him yet.

So here I am.

What I am trying to say, is that in that war, seriously injured soldiers did not survive. And maybe in a sense, it is God's gift. I would hate to think of myself lying in bed the rest of my life looking at the ceiling.

But they survived, and I think it is our responsibility. This amendment would cut that out.

If I may proceed further, third, we know that the budget will include a $250 million increase to cut down on overpayments in Social Security. We know this from experience, that for every $1 we spend, we save $10 in inappropriate payments. Isn't that a good investment? By spending $250 million, we are going to save billions. I thought the business was not in spending but in saving. We would lose more than $2 billion in mandatory savings by freezing discretionary funds.

Fourth, we have an amount of $183 million, which would be cut out. We are told by the Department of Agriculture that an additional $183.5 million will be needed simply to maintain existing rental assistance agreements. This assistance provides subsidies to maintain affordable rent and utility costs for very low-income rural residents. Without this increase, 41,705 households will face substantial rent increases forcing many to leave, be evicted from their homes.

I know the sponsors are not seeking to force the poor from their homes.

Madam President, as you preside and as I speak, we should keep in mind that many of our fellow citizens are sweating out each day, not knowing whether he or she has a job tomorrow or whether they can keep up the payments on the mortgage or whether they can pay for health care or whether they can pay the rent. Without this, all hope is gone. The least we can do is to let them know we are here to help them get through this crisis.

Yes, there is another one.

Fifth, we know about potential accidents at airports. We know we do not have enough trained air traffic controllers. This resolution provides funds for that purpose, to train them so we may have safer traveling.

When I travel, which is not often enough, I go to Hawaii. It takes, just in flying time, 11 hours. I feel safe because I have confidence in our air traffic controllers. But many of them are now on the verge of retiring. We need a new crew. This budget resolution provides the funds for training them.

The FAA faces a crisis in maintaining an adequate workforce of trained air traffic controllers with a freeze in nondefense discretionary spending for 2010, the FAA would be forced to freeze or reduce the number of new air traffic controllers the agency can bring on board and train—worsening the experience shortage we already have in our air traffic control towers. With a freeze in funding, the FAA also would be unable to settle an ongoing dispute over the terms of its contract with its air traffic controllers. This dispute has hurt the agency's productivity and its ability to retain experienced controllers, who are essential to training the agency's newly hired controllers.

Sixth, the section 8 tenant-based account provides critical resources to help the Nation's most vulnerable families find and maintain safe and affordable housing in the private market. Congress provides annual funding adjustments for this program to cover housing cost increases, so that all families served by the program can maintain their housing. If nondefense discretionary spending were frozen in fiscal year 2010, housing agencies wouldn't have the necessary resources to cover these increased costs. As a result, tens of thousands of families could be at risk of losing their housing.

Seventh, we know that because of high food costs and other factors, the overall cost of the WIC program has already increased dramatically. In fiscal year 2009, $760,000,000 above the budget request was required to keep people from losing WIC benefits. A freeze on spending could cause no new participation, waitlists, and could potentially cause some people to lose benefits.

As I noted earlier, we simply do not have all the details of the budget to be able to explain to our colleagues all the harm that a freeze on discretionary spending will do.

Nonetheless, I believe from the information that we have already received that I just listed it is clear that we simply cannot sustain additional cuts in the request.

These economic times are tough. But in tough times our people count on the Federal Government for more services.

Each day as more wage earners lose their jobs, more of them become eligible for many of the assistance programs which I have highlighted. Many of these programs are designed to help people in need during difficult economic times.

Our efforts to reduce spending here will result in an even greater reliance on mandatory programs such as welfare rolls, food stamps, and public assistance.

For these reasons I must oppose the amendment from the Senator from Alabama, and I would urge my colleagues to oppose it as well.

Madam President, as I said, I am going to vote against this amendment. It is a bad amendment. It is not American.

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

Mr. INOUYE. Thank you very much, Madam President.

I yield my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I take this time to urge my colleagues to support the budget resolution that came out of the Budget Committee. I am proud to serve on the Budget Committee. I congratulate Senator CONRAD for his extraordinary work in bringing out a well-balanced budget resolution during extremely difficult times. I think we all know the economic crisis we are in, and Senator CONRAD's budget does what a budget should do. It is the blueprint of our Nation's priorities. President Obama brought forward a budget that gives new hope for America's future. Then Senator CONRAD had to fit those priorities into the realities of our revenues.

We all know we have the new Congressional Budget Office numbers. It shows the economy is a lot weaker than when President Obama submitted his budget. But Senator CONRAD's budget fits the priorities of President Obama into the realities of our projected revenues. I thank Senator CONRAD for bringing forward this budget.

President Obama inherited an economic mess. That is worth repeating. Take a look at the mess the President inherited. The Congressional Budget Office shows it is more severe than President Obama thought when he first took office.

The deficit in 2000, when President Bush took office, was not a deficit. It was a surplus of $236 billion. Congress worked hard during those years to balance the Federal budget. In 2009, we are now projecting a deficit of $1.75 trillion. How did we get there? There has been a lot of time spent going over the mistakes that have been made over the last 8 years. But we had tax cuts we did not pay for. We had spending we did not pay for. We had a war in Iraq we never budgeted for correctly. And we ignored the underlying problems of our economy.

The Bush administration took our health care system, which had 40 million people without health insurance from when President Bush took office, to a health care system that now has 47 million people without health insurance. Health costs in America grew during those years to be twice any other industrial nation's spending on health care. We do not have the results to reflect that type of economic expenditures.

We found that the Bush administration wanted to privatize our health care system. As a result, we spent more money—more money on prescription drugs because we only used a private insurance option; more money for private insurance within Medicare, paying those who enroll in private insurance more than the Government would pay if they stayed in traditional Medicare. This past administration did everything it could to privatize even if it cost more public money.

In energy, the Bush administration never dealt with the energy problems of our country. We became more dependent rather than less dependent upon imported energy sources. This prior administration subsidized the oil industry, even knowing full well that the energy we imported very much affected our national security and the moneys we had to spend on national security.

We now have these large deficits. We cannot do anything about that. President Obama inherited these deficits. He also inherited a governmental system that failed to deal with the underlying problems of our economy.

President Obama says there is a different course. If we take the same type of budget and do that for our future and try to address the deficits today, we are going to have the deficits of tomorrow. We need to deal with the underlying problems.

President Obama has submitted a very open and honest budget. He is actually budgeting for the costs of government rather than saying, Well, we will pay for it after the fact. He has tackled the tough problems of our time, and he is prepared to make difficult choices to meet tomorrow's challenges.

The first issue this budget deals with is the economic problems of our Nation. We need to make that our top priority. The budget allows for investment in job creation. We are losing over 500,000 jobs a month in America today—about 600,000. We have been doing that now for the last several months because of the economic crisis. This budget allows us to invest in job creation so we can provide new jobs for Americans. It provides money in the hands of consumers. Middle-class tax cuts are extended. The AMT—alternative minimum tax—relief is provided. We extend the marriage penalty provisions to avoid the marriage penalty. There are credits for savers. The estate tax issue is accommodated in the budget. So the budget provides for the realities of a recession that consumers need to have more money in their family budgets in order to help stimulate our economy.

The budget Senator CONRAD has brought forward protects critical programs for Americans to meet economic challenges, whether it is unemployment insurance, health care, veterans, transportation, job training, research, education, or small business issues. I wish to mention for 1 minute the SBA, the Small Business Administration. We all know if we are going to get out of this recession, we need to create jobs, and we create jobs mainly through small businesses. Over 99 percent of America's businesses are small businesses, and they are particularly vulnerable today. Most of our job growth comes from small companies. The President has brought forward initiatives that allow for the SBA loan programs—the 7(a) program and the 504 program—to be less costly to small business. He has also instructed Treasury to go out and help with the secondary markets to make money available for small business loans. We need a Small Business Administration that can provide the services to small businesses. During the Bush years, the SBA budget was decimated. This will allow the SBA to have the resources necessary not only to administer these programs but to provide counseling and mentoring to small businesses and to oversee what other Federal agencies do to make sure that small businesses get their fair share of government procurement contracts. I particularly appreciate the fact that the Budget Committee passed an amendment I offered that increased the SBA's budget to $880 million, up from $700 million. That money is going to be used for the right reasons.

This budget also deals with fiscal responsibility. It deals with the economic crisis but also with fiscal responsibility. The President's goal was to halve the budget deficit in 5 years. Well, it has gone beyond that. The budget Senator CONRAD has brought to the floor will take the budget deficit from $1.7 trillion this year to 5 years from now a budget deficit of $508 billion. We want to see it lower than that, but reducing it by two-thirds over that period of time is certainly moving in the right direction. That is fiscal responsibility. That is making the tough decisions. It also allows us, when we get out of this recession, to deal with the underlying problems in our economy.

We deal with energy in this budget by allowing a cap-and-trade system so we can become energy independent for the sake of our national security; so we can create good jobs for the sake of our economy; so we can reduce carbon emissions for the sake of our environment. Global climate change is a real problem, and this budget allows us to deal with it by creating jobs and reducing the deficit, while also dealing with energy independence.

It deals with the underlying problems in our health care system by allowing our committees to bring out legislation that will provide for universal health coverage for the 47 million Americans who don't have health insurance; by moving forward with preventive health care which we know will save money; by improving health information technology which will save money; by investing in research which will give us the answers to how to deal with the health challenges of tomorrow; by improving our Medicare system to deal with physician reimbursement rates, and an amendment I offered that deals with the outpatient therapy caps. So our committees will be able to deal with the health care issues that will, if we don't deal with them, add to the budget deficits of the future.

We invest in education, from Head Start to making college affordable. The 1979 Pell grants covered 70 percent of the tuition and fees of public 4-year colleges. Today, it is less than one-third. We need to do better in making college affordable. The Obama budget does that. The Conrad budget does that. It invests in America's future so we can meet the challenges of the future so we will have an easier time, not only balancing our budgets in the future, but having the type of economic growth this Nation needs.

I wish to deal with one last issue on which there is disagreement in our caucus, and that is reconciliation instructions. I regret that the budget does not bring forward reconciliation instructions, particularly on the energy issue. I know there is a bad taste among my colleagues on the use of reconciliation, considering how it has been used in the past with the Republican leadership to bring about tax cuts. It is supposed to be used to reduce the deficit. In fact, they increased the deficit and that was wrong, but the proper use of reconciliation instructions can help us reduce the Federal deficit and avoid the misuse by the minority of filibusters. Does anyone here believe that the right number of filibusters has been used by the minority over the last years? Of course not. It has been used way too often.

So what proper budget reconciliation instructions will allow us to do is have an up-or-down vote on a critical issue that is important to reducing the deficit. Why do I say that? Because the cap and trade will produce $237 billion of revenue over the next 5 years. Some of that revenue will be used for direct—direct—deficit reduction. If we do the cap-and-trade system right, if we become energy independent—we all know the secondary impact of becoming energy independent, of not having to bring our energy in from foreign sources—it will help us balance our budgets in the future. We also know if we do it right and use the market forces, as a cap-and-trade system will do, we will create good green jobs here in America, using American technology, keeping jobs here. That will also help us balance the budget in the future.

So I hope we will get back in time to the proper use of reconciliation instructions. That was part of budget reform, and that should be included in our budget document.

However, today we have a choice on the resolution that is before us. I strongly support the budget resolution that came out of the committee. We have a choice. We can continue down the same path we have in the past, which is not dealing with the underlying problems of our country—and I dare say we will have a much more difficult time balancing our budgets in the future, and certainly being competitive internationally, as we need to be for the sake of growth of our economy—or we can choose a different direction for our economy; one that embraces fiscal responsibility; one that provides an opportunity to reform our health care system; one that allows us to have an energy policy that not only brings about energy independence but does it in a way that will reduce greenhouse gases and deal with the international issue of global climate change; and one that will invest in the critical investments for America's future, including education. That choice is the one offered by the budget brought out by the Budget Committee.

I urge my colleagues to support the budget resolution so we can change the

direction of America, so we can invest in our future, so we not only deal with the economic crisis we are in today, we not only deal with the budget deficits we are facing, but we deal with the underlying problems and invest in America's future. I urge my colleagues to support the budget resolution.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I wish to speak on the economics of this issue and talk about it from the Joint Economic Committee perspective, as I am ranking member on that committee. There are a lot of problems within this budget as far as what it does to the overall economy, and I think we are going to see some of it as we go through a few of these charts.

The problem I see overall and one of the things we have to watch the most, as far as its impact on the overall economy, is what the percent of the Federal Government is of the overall economy. The problem with this budget and the deficits and the financing that takes place in future years is we are going to start moving this government from being roughly and normally somewhere below 20 percent of the economy as far as intake—the taking of taxes—to somewhere north of there, probably around 23 percent. We normally average around 18 percent of the economy being taken by the Federal Government in taxes. This budget moves us, over a period of years, to 23 percent. That is completely unsustainable. It is harmful. We have been somewhere close to that. We haven't been that high. We have been somewhere close to that in the past. Whenever we have been, it has had significantly bad economic consequences for our overall economy.

That is just the take. I am afraid what we have going on is too much a philosophy of ''spend it and the taxes will come,'' so that we go ahead and spend this money into the economy and taxes will build up and increase so that over a period of years we spend it in deficit form and start financing the taxes, so we edge up that percentage from 18 percent of what the Federal Government takes to 23 percent over a period of years, while we get people hooked to the spending early on and say, isn't this a great program? We have spent it on school buildings, and on this program, and on that program. Don't you love that? Isn't that great? Yes. We have to build the taxes up now to pay for it. We get a wholly unsustainable situation for the Federal economy. And that is not anything about the State or local share of it, which adds to it, and then people are working half of the year for the Government and not working enough of the year for themselves. That doesn't work.

I hope we can back up, philosophically, for a little bit and think where we want to be as a government. I think it is important that we look at it. Thomas Jefferson, in the first inaugural address he gave—he is one of the greatest minds ever to be in this country and one of the great public policy thinkers. He said this:

> A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government. . . .

So it is the limited focus of Government that everybody recognizes, which Jefferson said it should be, one of our country's great minds. It is this limited view of Government and a maximum view of personal responsibility and opportunity that has produced this vibrant, active, growth-oriented country for 200-plus years. Do we want to move away from that to an economy that is much more stagnant, more Government driven, rather than individual driven? Certainly we need to do things in particular areas, such as in the financial market structure, no question about that. But do you want to fundamentally move away from this idea Jefferson spoke of regarding what Government is to be about: ''A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuit of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government. . . .''

Jefferson then warned about the perils of excess taxation, excess spending, and excess debt, all three of which are present in this budget. He warned that ''We must not let our rulers load us with perpetual debt.'' We are getting close to that with this budget. ''We must make our selection between economic and liberty or profusion and servitude.'' He was saying, look, we either move forward as a free economy or there is going to be servitude in the process. His warning was that big Government, with its excessive spending and taxation, inevitably strips its citizens of their liberties. Yet here we are today, heeding the notion ''spend and the money will come.'' Spend it and people will attach it to a government program, and the taxes will flow thereafter. It doesn't comport with what Jefferson said. It won't work.

I believe it is a fatal error to assume that higher spending today will generate higher future tax revenues. The proposed budget amounts to an ever-increasing size of Government, and at some point we will have to face up to the massive Government we have created through massive tax increases, which will chip away at economic growth and threaten the principles of freedom and the pursuit of happiness on which our Nation was founded and has thus far prospered.

On top of this, you have this demographic nightmare coming of the full-scale retirement of the baby boomer generation. So you are upscaling your Government spending and your taxes, and then you are going to have a bunch of people getting into the retirement system, getting Medicare, Social Security, all of which they have paid for and earned, but adding more to the growth of government, more to the demand for more tax increases, and taking away more from the liberty of individuals.

More than any budget debate during the time I have been in Congress, this debate isn't simply about the spending priorities of the next 5 years; it is a debate about what kind of economy we will leave not just to the next generation but generations to come. It is a debate about whether we believe that what made America great will keep America great. It is a philosophical debate. It is about the proper role of Government. Do we believe that the strength of America lies in its Government and its political leaders or that the strength of America lies with the American people? That is a fundamental question. Is it better for the Government to decide who runs GM or is it better for GM to decide who runs it?

Do we believe that the best opportunity to rebuild this economy is a free enterprise system that encourages investment, encourages entrepreneurs to start new businesses, and empowers our citizens to pursue their dreams and aspirations or do we believe the Government should act as head of a household, determining what is in the best interest of our families? How we answer that question will determine if we begin the inexorable slide toward an America where the Government tells you how much you can earn or who will be deemed ''acceptable'' to run the Nation's enterprises. How we answer that question will determine whether we are willing to accept mediocrity and condemn future generations to an America with fewer economic liberties and opportunities. Make no mistake, as our economic liberties disappear, not just our children but our grandchildren and their children will see their political liberties slip further away. Government will become the master of the people, not their servant.

Unfortunately, the spending, taxes, and debt contained in the budget outline submitted by the President and the one reported by the Budget Committee represent a statement that Government knows best, and that we should trust in Government before we trust in a free people.

I will talk about the budget suggested by the President and reported by the Budget Committee interchangeably because they are essentially the same. The only true differences come from the use of budget gimmicks and sleights of hand that attempt to make this budget look more ''responsible'' than the one the President has put forward. They are almost identical. I have a chart that points that out where they are on discretionary outlays and total outlays. They are the same.

The American people deserve an honest discussion of the budget and the spending and taxes it contemplates. They deserve to know that the policies contemplated by this budget will add more to the national debt over the next 10 years than in all the years from the founding of this Nation until 2008. In fact, according to CBO's estimates, the publicly held debt of the United States will triple over the next 10 years under this budget.

It is not simply the dollar amount of the debt that should concern us, it is the size of the publicly held debt in relation to the size of the economy. According to CBO's estimate, the publicly held debt will rise to more than 82 percent of GDP by 2019. That is a level seen only once in our Nation's history—in the extraordinary time of World War II. Yet this comparably massive-sized deficit will come with a significant reduction in defense spending. We did that spending in World War II to pay for war. This has a cut in defense spending.

As bad as these numbers are, I am concerned that the situation this budget will put us in is likely to be worse, not better, to the overall economy. Not only were the economic assumptions used by the President overly optimistic, I am concerned that those used by the CBO in creating the baseline are too optimistic.

I want to talk about this chart. We talk too much about taxes and too much spending, and it goes too much in debt. This tells a lot of that situation. You can see about debt held by the public as a percent of GDP. This is the average—about 35 percent for a long period of time. You can see that at times, we dipped below that at different points, and then you can see what happens in 2008 and that this shoots up in a dramatic way—not to pay for war. What that debt number shoots up to is dramatic.

The point is that this is ''spend it and the taxes will come.'' What are you going to do if you cannot sustain the amount of debt? You are going to raise taxes to pay for that.

While CBO projects a larger decline in GDP during fiscal year 2009 than the blue chip consensus, CBO projects a brighter outlook going forward through 2015. CBO also projects lower inflation, interest rates, and unemployment than the private forecasters. I don't think that is probably likely assumptions to actually happen. For instance, these different assumptions result in significantly higher deficits than forecast by the administration. You can see on the chart of the Obama budget deficit what is projected. These are budget deficits under blue chip assumptions. Even that big number of deficit increases probably—it masks the true picture, which is much worse than that. It results in about $2 trillion more in publicly held debt by 2019 than projected by the administration. You can see these dollar numbers. You can see the side bar being trillions instead of billions and millions. You can see it goes from $8 trillion up to nearly $18 trillion. That is the likely scenario, actually, versus what the Obama administration is saying, around $15 billion, which it would be by 2019. That is $2 trillion more.

This budget spends too much. There are many important priorities that may have to be delayed. It is no different than what American families do when things get difficult. They figure out what the priorities are and they go with it.

Suggesting that the new administration's budget reflects a ''new era of responsibility'' is like bestowing claims of prudence and reliability on the mortgage brokers who contributed to the housing bubble and ensuing economic crisis by carelessly selling unscrupulous and inferior loans. It is neither responsible budget nor fair nor efficient to use the current economic crisis as a means to expand Government spending to unsustainable levels financed entirely through deficit spending and ultimately higher taxes on individuals. The Government is effectively charging its excessive consumption to the taxpayers' credit card, except that the beneficiaries of that consumption will not be the ones who pay off the debt. Rather, today's young workers and future generations will bear the burden of this Government's undisciplined spending. We are essentially forcing upon our young workers, our children, and grandchildren a massive credit card debt—if you can imagine that—resulting from our inability to live within our means. Would any of us do that to our children? Of course not. But that is what this budget does.

This budget contemplates permanently increasing the size of Government to unsustainable levels—especially when you consider the demographic-driven entitlement tsunami that is waiting to overwhelm the American economy. Under this budget, Federal spending as a percentage of GDP will be 28 percent of GDP in this fiscal year. Only 3 times since 1930 has the Government spent a greater share of the Nation's domestic output—1943, 1944, and 1945.

More disturbing than this year's spending is the escalating spending that this budget entails. Even if you give the President and the Budget Committee the benefit of the doubt for this fiscal year, since much of that money has already been appropriated, spending as a percent of GDP will average 23.7 percent over the 2010 to 2019 period. We will average a greater percentage of GDP over those years than we have spent in any single year, except the 1942 to 1945 timeframe. So you have a permanent growth in Government spending, not paying for war, paying for the excesses in our spending that we want to do.

We are going to have to pay that at some point or, more correctly, our children and grandchildren will. I have asked the staff to put together a quick estimate of how high marginal tax rates might have to rise if we are going to balance these budgets. You cannot sustain this amount of debt, and you have spent it, and ''there is nothing so permanent as a temporary Government program,'' as President Ronald Reagan observed. So you have started these on a temporary basis. They are going to balloon up and people get attached. So now you have to raise taxes to pay for it, because you cannot sustain that level of debt.

Here are the answers they came up with: projected tax rates that will have to go up, particularly on our top brackets because the President is saying we are going to tax the top brackets to do that. We are looking at a 65-, 69-percent marginal tax rate.

We have been there before as a country. We have had marginal tax rates up this high. It has never worked. It was economically stagnant for us as a country. People did not invest money, and basically the Government took this money and gave it to the Government instead of having it in productive sectors in the economy. We were looking at rates of 65, 69 percent.

Who is going to work and pay taxes at that rate? People working say: This is not worth it to me. We have been here before. This is a failed policy model. We have done this before. It has failed. We do not want to go back to that failed policy of the past.

Then there is the talk that we will do cap and trade, we will have an energy tax that will help pay for some of these programs. Consumers might not pay it directly, but they will certainly pay it at a rate of more than $3,000 per American family with an energy tax. The cost of living will rise, American industry will become less competitive, unemployment will rise, and the American people will suffer. We do not want that.

Particularly troubling was the suggestion of the majority leader that this is the right time to start health care reform and the same old Government game, trying to tell people: Look at this wonderful thing Government is providing you, and you are going to get it for free.

The reality of economics is that individuals pay corporate taxes in the form of higher taxes. That is simply a fact of life.

Equally troubling is the administration's desire to tax corporations that ship jobs overseas. It is nice rhetoric, but the policy is exactly opposite the one we should be pursuing. We should be pursuing incentives for multinational corporations to repatriate their earnings from abroad. One estimate put the amount of capital that could be repatriated if we instituted a 1-year tax rate of 5 percent on repatriated earnings. We could bring back as much as $500 billion into the U.S. economy.

Instead, the administration is going exactly the other way. We are going to raise these taxes, and instead of bringing that money home, we are going to

drive it overseas. That is what is going to take place. That is what has happened to date.

Over the last several years, many of us have tried working on another issue and put a great deal of effort into eliminating the so-called marriage penalty. I am concerned that the President's proposal and this budget will serve to create economic disincentives for family formation.

I have another chart to show this situation of the rate increases on increasing the marriage penalty that is going to take place under the President's proposed budget. A marriage penalty already exists in present law, and it gets worse under these policies.

The marriage penalty will nearly double in this particular wage earner's case from $2,900 to nearly $5,000. Is that the policy signal we want to send; that if you are going to get married, we are going to double your taxes? That is not a wise way for us to go, and our families are already stressed out the way it is now.

I know the President is calling for limiting deductions for higher income taxpayers. What no one on the other side of the aisle is saying, however, is that these limitations are a backdoor method of expanding the reach and scope of the alternative minimum tax.

Our economy cannot afford the kind of taxation that this budget is requiring in the future. The all-time high for the Government's take in revenue is 20.9 percent. That is the all-time high of the percentage we have taken of the economy, 20.9 percent. That has occurred twice; again, once during World War II and in 2000. The postwar average is 17.9 percent. Normally, we are taking under 18 percent of the economy, and that is high.

Since the spending under this budget and the President's budget is permanent, revenues will have to rise and be sustained at a level of 6 percent of GDP higher than the historical average in order to bring the budget into balance. That is a share of GDP, more than a third higher than the historic average. The historic average is 18 percent. This is going to be 23 percent. We have never been that high before. It is not sustainable. It is harmful to the economy. If you think the economy is in tough shape now, wait until you see the stagnation, the inflation, the unemployment this budget proposal will bring us at 23 percent taxation rates for the overall economy.

This is a bold new vision for America. Yet it is a vision that tries to deny the fundamental laws of economics. It is the same denial of risk on the part of financial institutions that put people in houses they could not afford and encouraged them to run up massive amounts of credit card and other consumer debt and led those sophisticated institutions to take on massive amounts of leverage that even the smallest of losses could not survive.

We are in the situation we are in because of excessive spending by Government and excessive risk-taking by institutions that were allowed to become too big to fail. It is time to face the facts. Too big has failed. This economy simply cannot afford this budget. The American people cannot afford this budget. Future generations cannot afford this budget. This budget asks the American people to buy into a Ponzi scheme based on the promise of returns that we will never be able to pay, while we divert massive sums in an attempt to socially reengineer the economy and the Nation.

Let us heed Thomas Jefferson's warning that I read at the outset and refuse to go down a road that enslaves our descendants for generations to come in the shackles of a mountain of debt, high taxes, and a government that has destroyed any vestige of economic freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, we have heard all week long about this budget, President Obama's budget, and the mantra that it spends too much, it taxes too much, and it borrows too much. I agree with that. But I wish to bring up some other points about this budget that, quite frankly, are counterintuitive to what we have been told by the administration.

The President has said repeatedly in the last 2 weeks, in talking about the American recovery, that his vision for the American recovery is founded in this budget document. I wish to talk about some of the things that have been talked about in this budget document as they relate to the recovery we so desperately need in this country.

For example, I think everyone agrees—Democrats, Republicans, Independents—that what led us into this difficulty is the housing market. Sure, the subprime mortgages were a part of it, but it is the loss of equity that homeowners have all over this country, a decline in value, an escalating foreclosure rate, and a massive amount of short selling and foreclosing that is going on.

It would seem at a time when that is going on, when that is the major cause of the crisis with which we are confronted, you would have policies for home ownership so buyers would come back to the market, they would buy the homes that are distressed and troubled, stabilize the values, and begin to build the equity of the average American family. But this budget portends we would drop the tax deductibility for a first mortgage on a family home that they occupy. So you take away a tax preference that for history and for years the American Government has granted to homeowners to encourage home ownership and you take it away from them at the very time home ownership is under the greatest stress in its history. It is counterintuitive and it is wrong.

The Senator from Kansas made a reference to charity. I just came from a congressional awards reception downstairs where we gave golden awards to young people around this country for the volunteer service they have given to help their fellow man. That is a gift of charity itself.

At that reception were four major corporations that make charitable contributions to the Gold Medal Award Program to encourage these young people to volunteer their time. If you reduce the ability of corporations or high-income wage earners or high-income earners to deduct the charitable donation, you are actually motivating at a time of need less charity on behalf of your people and in turn putting more burden on the back of the Government.

We saw earlier today, with the vote on the Thune amendment, that there is one idea the entire Congress almost appears not to like about this budget, and that is part of this budget portends that we would pay for some of the increased spending by taxing utilities.

The Thune amendment made the statement that the Senate does not believe that is right, and 88 Members of the Senate voted for the Thune amendment. Obviously, that policy is misdirected.

And then we are at a time when values in equities have declined, when American investment is declining, when corporate America is finding great difficulties, and at a time when all those things are going on, this budget portends that we would raise the capital gains tax by 33 percent and, further, that we would raise the dividend tax at the highest marginal rate by three times what it is right now. Penalizing people for investing in stocks that pay dividends at a time when the market is depressed does not make sense to me.

Further, they are saying, for those who have assets or have a profit built in, they are going to raise that tax by 33 percent at a time when the economy is suffering. I think it is, at best, counterintuitive.

I do not like politicians who get up and talk about how bad something is without offering some solutions. We have a responsibility—every Member in this body—to offer some proposals. So if I think these policies driven by this budget proposal are going in the wrong direction, what is the right direction?

I have an amendment that will be offered at the appropriate time. It is amendment No. 762. It is an amendment that creates a placeholder, a deficit-neutral placeholder in this budget proposal for a $15,000 tax credit for any family who buys a home and occupies it as their residence in the next 12-month period following the passage of that amendment.

What will it do? Quite frankly, the Senate unanimously adopted that amendment a few weeks ago on the stimulus, only to find it taken out by the House of Representatives. Why do we need to stimulate home ownership right now? Because it is the single

largest asset of the average American family. It is the basis on which most credit is extended to families. It is fundamentally the foundation of consumer confidence in the United States of America. And right now there isn't any, and there isn't any because the housing market basically collapsed, values have depreciated in some areas by as much as a third, and one in every five houses in America is actually underwater, meaning the debt exceeds the value.

This tax credit is not an original idea by me as a Member of the Senate. In fact, in 1974, when we had the last major housing crisis in America, the Congress—Democratically controlled and a Republican President, Gerald Ford—passed a $2,000 tax credit for the purchase of any standing vacant home in 1975. This country took a declining housing market, with a 3-year supply of houses on the market, back to stability and equilibrium in 12 months, all with the motivation of the tax credit.

I first offered this tax credit in January of last year when we began to see the downward spiral in our economy. It is scored at $34.2 billion. I was told last January that is too much. So we then spent $700 billion in October on the TARP, and the Federal Reserve has spent almost $14 trillion. We are considering spending more, and $34 billion to me does not sound like very much. In fact, economic estimates by experts—not by me—have estimated that the tax credit, if passed by the Congress, would create 700,000 home sales in the first 12 months and 587,000 jobs. I don't know about you, but both of those are awfully good numbers that we certainly would like to be seeing reported on Wall Street and on Main Street.

When I offer this amendment, what I will merely be asking the Senate to do is send a signal. Instead of discouraging home ownership, we want to encourage it because it is the foundation of our recovery. Instead of having a tax policy that is punitive to investment, we want to have a tax policy that is positive to investment, and understanding home ownership and the value of it is still the fundamental key, the economic stability of the American family.

It is my hope the Senate will adopt this amendment and send the message so we can come back after the recess, pass the tax credit, make it effective, and return investment to the housing market and stability to the U.S. economy. So instead of taxing too much, spending too much, and borrowing too much, it is time we encourage investment in the American dream, which always has been and remains the home in which people raise their families, live, and retire.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. 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. SANDERS. Mr. President, tomorrow, I intend to call up an amendment which will be cosponsored by Senators BUNNING, FEINGOLD, and MENENDEZ. This is a very simple amendment, couldn't be simpler. What the amendment is about is that when taxpayers of this country, the American citizenry, put at risk trillions of dollars which go to large financial institutions, they have a right to know who is receiving that money. That is about it, not more complicated.

Earlier this year, Doug Elmendorf, the Director of the Congressional Budget Office, told the Budget Committee that the Federal Reserve has committed nearly $2.3 trillion in taxpayer dollars to deal with the financial crisis. You have no clue, I have no clue, and nobody in America has any clue where that money went, who got it.

It seems to me that right here on the floor of the Senate I have been involved in long, heated debates about whether we spend $20 million on this and $30 million on that. These debates go on forever. Yet when we are prepared to place at risk through the Fed $2.3 trillion, I guess the American people don't have a right to know who is getting that money.

Interestingly, if you go to your computer and you go to the appropriate Web site, you can find out, appropriately enough, which financial institutions and other corporations have received TARP funds. I voted against those bailouts, but the truth is, if you want to know how much Citigroup has gotten, if you want to know how much Bank of America has gotten, there it is. It is in black and white, as it should be. But you will not know and you do not know which institutions received $2.3 trillion.

Earlier this month, I had an opportunity to ask Ben Bernanke, the Chairman of the Fed, about this issue when he testified before the committee. At this hearing, the Chairman told the Budget Committee that since the start of the financial crisis, the Fed has provided loans to ''hundreds and hundreds of banks.'' But Mr. Bernanke declined to name any of these banks, how much assistance they provided to each bank, or what those banks are doing with this money. What the Federal Reserve needs to understand is that this money does not belong to them, it belongs to the American people. It is literally mind-blowing that trillions of dollars have been placed at risk—by whom, for what, going to whom? We don't know.

I hope we have strong bipartisan support for this amendment which simply begins the process of asking for transparency at the Fed, which is probably the most secretive institution in Government.

During the markup of the budget resolution last week, I offered an amendment with Senators BUNNING, FEINGOLD, and MENENDEZ—all of whom serve with me on the Budget Committee—to create a deficit-neutral reserve fund to provide increased transparency at the Federal Reserve. Due to some concerns raised by the Parliamentarian, this amendment was modified and passed the Budget Committee by a voice vote.

The amendment I will be calling up tomorrow is more specific in terms of what type of transparency the Fed should be providing. The Sanders-Bunning-Feingold-Menendez amendment simply puts the Senate on record that the Federal Reserve should publish on its Web site—just as the Treasury Department does with TARP funding—comprehensive information about all of the financial assistance it has provided under the lending facilities it created to deal with the financial crisis since March 24, 2008. What we ask specifically is—and believe me, I don't think the taxpayers in this country are asking too much when they get this information—No. 1, the identity of each business, individual, or entity that the Fed has provided financial assistance to; No. 2, the type of financial assistance provided to that business, individual, or entity; No. 3, the value or amount of that financial assistance; No. 4, the date on which the financial assistance was provided; No. 5, the specific terms of any repayment expected; No. 6, the specific rationale for providing that assistance; and No. 7, what that business, individual, or entity is doing with this financial assistance.

In addition, this amendment also puts the Senate on record in support of providing the GAO with the tools and authority it needs to conduct an independent audit of the Federal Reserve—something I know Senator BUNNING, among others, has been trying to accomplish for several years.

This is a very simple amendment. It is a very important amendment. Anyone who believes in transparency in Government should be supporting it. I hope and expect we are going to have support from both sides of the aisle—from progressives, from conservatives. This really is a commonsense amendment that the American people deserve to see passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, for those who are following the action of the Senate, the debate over the budget resolution, this is an annual event that involves planning ahead for our spending for the next fiscal year, which starts October 1, and beyond. Presidents come forward and suggest what

they would like to see us do with the submission of the budget. Then it is up to the Congress to decide, within the confines of the President's budget request, what to do with the money—how to raise it, how to spend it. Naturally, it is a contentious process because there are a lot of different opinions on where money should be spent—how much should be given to this agency or how much should be in tax cuts.

President Obama came to this assignment with a very difficult set of circumstances—the worst economy in 75 years; a nation in recession; the need for us to put money into the economy to create and save jobs, good-paying jobs right here in America, which he did with his Recovery and Reinvestment Act; and then the question about what will our priorities be as a nation as we try to bring ourselves out of this recession and plan ahead.

This week, the Senate is going to vote on its version of the budget resolution for the fiscal year 2010, starting October 1, 2009. We are going to make fundamental decisions about what our economy and the prosperity of our country will be. Of course, those decisions will impact the direction of our Nation, not only next year but beyond.

We need to face facts. This is the hardest budget we have faced in a long time. Because of the deficit which the President inherited from President Bush—the largest in history—we are trying our best to spend our money wisely but not make the debt any worse in the long term. We have taken an important step with the economic recovery package, but there is a lot more we have to do to put the economy back on track.

Now we need to pass a budget that is smart and fair and responsible, one that helps our economy work again and invest in things that will pay off over the long run. The Senate budget resolution reported by Chairman KENT CONRAD of North Dakota would allow us to do that. I certainly do not agree with all of the specifics in his budget resolution. I would write it differently. Every Member of the Senate can say that. But when I look, on balance, I believe this budget resolution really addresses the realities of what we face and the challenge of what lies ahead. It restores fairness for middle-class families, working families across America, it reestablishes responsibility in the budgeting process, and it makes some smart investments in America's future.

The Budget Committee followed the principles laid out in President Obama's proposal to Congress. It sets a path to regain balance that our country once enjoyed—careful investments in our future while creating opportunity for working families who have lost a lot of ground over the last 10 years. It provides the flexibility to authorizing committees to tackle our toughest challenges, and it starts to repair years of neglect and make critical investments in health care, education, energy.

Let's speak to the health care issue for a moment. Our Nation spends more than any other industrialized nation on health care. Yet the United States is the only industrialized nation that does not offer health care coverage to all of its citizens. We can't just throw money at this problem and hope everybody gets good health care. Instead, the President's budget identified specific changes in the current system to improve efficiency. The savings from those changes would then be applied to Congress's efforts at reforming health care. That is smart, it is fair, and it is responsible.

To implement the President's request, the Senate budget resolution includes a deficit-neutral reserve fund that allows the committees here in the Senate to take on the challenge of health care reform. We need to spend our health care dollars more sensibly, and we need to provide quality health care for all Americans.

Let me tell you about one program that kind of tells the story about the debate we have been engaged in over the last several years. President Obama has said we need to take a closer look at the Medicare Advantage program. He said it is time for us to end excessive payments to private insurance companies that administer that program.

From the beginning, Medicare Advantage was sold to Members of Congress as the private sector alternative to Medicare which will prove, as they argued, that if you let the private insurance companies do the Medicare Program, they are going to save the Government money. Those who argued for it started with the premise that when the Government bureaucrats get their hands on it, they are going to make a mess of it, it will cost too much, have too much redtape, and at the end of the day, if you just left it to the market forces and the private sector, you would come out with a much better and cheaper result. Taxpayers would save money if you took away the Government program and replaced it with a private sector program. That was the premise behind Medicare Advantage.

It was a good theory: The competition among private insurance companies would bring down the costs of traditional Medicare. But it turns out to be wrong. Congress passed legislation in 2003 and agreed to pay for-profit insurance companies 12 percent more per beneficiary than regular Medicare would spend to cover the same people. So the premise that private insurance companies would save us money was defeated from the beginning. We started off subsidizing private insurance companies to offer as much coverage as Medicare offered.

We gave them a 12-percent subsidy to prove that the free market works. Today, research from the Medicare Payment Advisory Commission, our official experts on Medicare payments, showed that Government pays private fee-for-service programs 119 percent of the average cost for beneficiaries in traditional Medicare.

If they were setting out to prove that they could do the job of Medicare with competition and private insurance cheaper, they failed, failed by 19 percent. What is it costing us? Last year, a report from the Congressional Budget Office said payments to private health plans in Medicare Advantage rose from $40 billion in 2004 to $56 billion in 2006, $75 billion in 2007.

Federal payments to these private insurance companies are expected to reach $194 billion by 2017. So for 10 years, from 2007 to 2017, the Federal Government is on the hook for $1.5 trillion in an experiment that was supposed to save us money. The share of Medicare spending for Medicare Advantage Plans will increase from 17 percent in 2006 to 27 percent in 2017.

So they end up proving, year after year, that they can reach into and grab more and more Medicare beneficiaries, lure them into private plans that cost the taxpayers more money, when they were supposed to be proving they could save us money.

Insurers claim they are paid more because they offer more than Government-sponsored Medicare. It is true that many plans do offer things that the original Medicare plan did not offer. But in a report issued last year, the Government Accountability Office noted that only a small share of the money that the Government will pay Medicare Advantage Plans over the next 4 years goes to extra benefits; only 11 percent.

It turns out there is much more in profitability and in offering services that do not benefit Medicare beneficiaries. Most of the rest of it goes to out-of-pocket spending, reducing out-of-pocket spending and copays.

Sounds good until you realize that to pay for this reduction, we are now charging higher premiums for the 35 million Medicare beneficiaries who enrolled in traditional Medicare. Follow it? Private companies that are going to show they can run rings around traditional Medicare, offer the same benefits at a lower cost, it turns out, were wrong, and we are paying 19 percent more for private insurance companies to offer Medicare Programs than if traditional Medicare offered it, and the 19 percent is being paid by the seniors in traditional Medicare. They are paying for the subsidy for the private insurance companies.

Each beneficiary enrolled in traditional Medicare sees their premiums increase $3 a month to pay for the reductions in out-of-pocket spending for beneficiaries enrolled in Medicare Advantage. Worse, we do not even know if this program is working. In 2007, CBO Director Peter Orszag, now head of OMB, pointed out in testimony before the Senate Finance Committee that little information is available on the degree to which plans generate better health outcomes than traditional Medicare.

Now, you want to know why and how we are wasting money? Here is one good example. If we are going to bring down the cost of care and maintain its quality, we cannot afford subsidizing private insurance companies that charge us more than traditional Medicare and cannot prove that the outcomes are any better.

The President's budget proposes to cut Federal payments to insurers that run plans by requiring them to competitively bid to offer coverage in a given geographic area. Insurers will be paid according to the average of the bids. If they are as good as they say they are, let's have them compete.

This process will save us $177 billion over 10 years. It is a sacred cow. I recall an alderman from Chicago, a friend of mine, a Hispanic alderman, called me and said: Senator, I have to see you. I just have to see you.

I said: OK. We will set it up. I said: I am coming out of meeting over here in a hotel. If you can meet me in the lobby, I would be glad to talk.

And he did. We sat down and he said: Senator, you just have to save the Medicare Advantage program.

I said to my friend, the alderman: Why in the world did you come to lobby me on this?

Well, he said, it turns out, one of the major insurance companies called me and said that my people liked this plan. And they gave me the names of some people who liked this plan.

I said to the alderman: Do you know this plan costs more than traditional Medicare and your people are not getting anything more for it?

No, I did not know that, he said.

But they went to the lengths, the insurance company, of sending this alderman in, a nice fellow, trying to do the right thing for people he represents, trying to sell an idea that, frankly, costs the Federal Government more money.

That is how you get into the mess we are in with health care in America today. This $177 billion we could save by taking an honest look at Medicare Advantage we can use to expand health insurance protection to the 48 million uninsured people in this country. We can expand and build community health centers. God bless them. These are people who do great work in primary care all across America.

I tell you, I visit these centers, clinics, all across Chicago. Erie Health Clinic is one of my favorites, Alivio Health Clinic. I walk in there and I say to these doctors, face to face, eye to eye: If I were sick, I would be happy to walk through the door of your clinic and have your doctors and nurses see me. They are fine, quality care. And many of the people whom they serve are poor people, uninsured people, folks who have no coverage, no insurance. They are doing great work, and we need to have more of them providing primary care, keeping people out of emergency rooms.

The money we have spent and we have been spending to subsidize Medicare Advantage is money that is wasted, money that, in fact, goes to private health insurance companies. Well, President Obama said: The free ride is over. If you cannot compete and get your prices down to a reasonable level, we are going to stop this subsidy. You set out to prove to us how good the private sector was and how good the free market worked and then you are demanding a subsidy of the Government to keep offering your Medicare Advantage program.

I have a friend of mine, Doug Mayol in Springfield, IL, who knows too well the difficulty this economy can create for someone on their health care. I have a picture of Doug here. I want him to be seen on C–SPAN back in Springfield, IL, or wherever he is watching.

Doug, since 1988, has operated a small business in downtown Springfield selling cards, gifts, knickknacks. And as you can imagine, a self-insured businessman, his profits, many times, are at the mercy of the rising costs of health care. He is fortunate that his only employee in his little shop is over 65 years of age and qualifies for Medicare and also receives spousal benefits from her late husband. If that were not the situation, Doug does not think he could help her pay for her health insurance.

In terms of his own insurance, Douglas has a challenge. Doug has a preexisting condition and fears the possibility of becoming uninsured. Some 30 years ago, Doug was diagnosed with a congenital heart valve defect. He has no symptoms, but without regular health care, he is at the risk of developing a serious problem.

Like most Americans, his health care premiums have risen over the years. But recently it has been shocking. In 2001, Doug paid $200 a month for health insurance. By 2005, it had doubled to $400 a month. When Doug turned 50 years of age in 2006, the monthly rate went up to $750 a month for his health insurance. He tried to work within the system. He chose a smaller network of providers and a higher deductible and brought the monthly premium down from $750 to $650.

Unfortunately, last year, that premium for this small business owner in Springfield, IL, went to $1,037 a month. Only by taking the highest deductible allowed, $2,500, was he able to bring it down to $888 a month. He knows and we know the numbers are going to keep going up.

Because of his high deductible, Doug thought he should open a health savings account, but he could not set aside the $200 a month on top of the $888 premium every month, found it impossible to do.

You know what. He is not a sick person or costly patient. With his high deductible, the insurance does not even pay out, as Doug has never made a claim for an illness or injury except for routine primary care. Yet more affordable insurance carriers reject him because of his preexisting condition, the possibility of high expenditures in the future for things such as surgery.

This condition, or burden you can say, severely limits his choices when it comes to insurance. But he cannot afford not to have health insurance either. With his heart condition, antibiotics are needed before undergoing even a visit to the dentist. Although he should see a cardiologist periodically, Doug avoids it. He fears it would add another red flag to his already tainted medical record in the eyes of the insurance companies.

What kind of system are we operating in America that even those with coverage are delaying care because it costs and the way insurance is structured? Americans need peace of mind of knowing that health insurance companies will not be able to pick and choose whom they cover. We deserve the highest quality care our country has to offer, and President Obama has made a commitment to reach that goal.

This budget resolution lays the foundation for making that commitment a reality. Doug is living his American dream. He has his own business. Having health insurance should not destroy that dream. Doug should not be forced to choose between keeping the shop doors open and paying his insurance premium.

The budget resolution also offers a promising vision for education in America, closely following the President's proposals. The budget fully funds the President's request for a smart, fair, responsible investment in education and training and improves chances to learn.

First, the budget dramatically expands access to quality early childhood education programs. I listened on the floor while Republicans came and criticized the Senate budget resolution for spending too much money.

The major investment and expenditures in this resolution, in terms of new expenditures, are three. We put more money into veterans care because a lot of soldiers are coming back hurt; they need help. They need to have the clinics and hospitals and medical professionals that we promised them we would give them. We put the money in this budget resolution to keep that promise.

The second thing we do is pay for the census. This comes up every 10 years. We have to prepare for it. We cannot escape it. It is required. Let's do it right. We are doing what others have done in the past. That is one of the new areas of spending.

Third is education. This budget dramatically expands access to quality early childhood education. I believe and think most parents understand that the earlier you start teaching a child, the better chance that child has in school or to succeed. Unfortunately, a lot of kids come to kindergarten well behind the other kids in the class. This is especially true for kids from homes where families struggle economically.

That is why early childhood education programs such as Head Start can make a big difference. After a year or two in a preschool setting, these kids start kindergarten ready to learn. If you listen to the stories from Head Start teachers, you will understand how important these programs can be. I do not have a chart here, but I will tell you that Vamyah is a child in Chicago who began in a class taught by Ms. Hardy, as a tearful, timid little girl.

After 2 years in Head Start, Vamyah is singing and playing with the other kids and even attempting to write her name at the writing table. She has progressed so far, she is now helping other kids write letters, numbers, and puzzles. Ms. Hardy reports that when Vamyah goes to kindergarten in the fall, she is going to be missed. But she has a better future ahead of her because of the experience she has had at Head Start.

This budget will give other kids the opportunity to grow and learn before even entering school. Once they begin their schooling, the budget asks us to invest in teachers and innovative programs so all children can succeed in the classroom. We improve student assessments, teacher training, principal preparation, and programs that reward strong teacher performance.

These are initiatives we want to see in our kid's schools and every school. The budget will help us build the education system to compete in the challenging 21st century. Once these kids move on to higher education, the budget would help them afford the high cost of tuition by raising the maximum Pell grant award and streamlining student loan programs.

The cost of college keeps going up. Everyone knows it. This morning, NPR reported that record numbers of kids are enrolled in community colleges. It is the affordable alternative. But as the costs go up, we have to give a helping hand because otherwise these kids will end up with a mountain of debt, pushing them into jobs they may not aspire to.

If a young person wants to be a teacher, we ought to give them a helping hand. Making the Pell grant larger each year will reduce the ultimate debt they face. Financial aid has not kept up with costs. Some 30 years ago, a Pell grant covered 77 percent of public college costs. Now it covers less than half that amount. To fill in the gap, more students have taken out student loans to afford college.

In the early 1990s, fewer than one-third of college graduates had loan debt. Now that number has doubled, more than doubled, to 70 percent, to an average of $20,000 debt per student. This budget increases Pell grants to $5,550.

It currently helps 7 million American kids stay in college.

One of the students who will be helped is Kendra Walker at Southern Illinois University in Edwardsville. She grew up in St. Louis and had a difficult childhood. She and her brother were raised by a single mom who was a crack addict for 12 years. Kendra had to grow up pretty fast, taking care of a little brother and often taking care of her mom. Her mom eventually went to rehab, but things were still pretty tough at home. Kendra worked all through high school to pay the bills and buy groceries when the family needed them. Even as she struggled, she thought: I can do better in my life. She knew her future had to include college. She worked hard in school. She was on the honor roll and graduated fourth in her class from high school. She believed her hard work had paid off when she was accepted at Howard University.

Then reality set in and Kendra knew she would not be able to go because she just didn't have the money. Instead, she started college at St. Louis Community College with plans to transfer to a university.

When her mother passed away suddenly in July of 2007, she had to redouble her efforts. She enrolled at SIU Edwardsville and moved into student housing. Today she is a junior studying criminal justice and political science. She is still struggling to pay the cost of her education, and she has nobody to help her.

As Kendra says: It is just me and the Financial Aid Office.

She has Pell grants, work-study funds, a few scholarships, and too many student loans. It is becoming harder for Kendra to make ends meet. Paying the bills and keeping food on the table is pretty tough. She almost didn't start school because her Pell grant didn't cover all the cost. She was forced to take out even more student loans. She worries about the debt she is piling up, but she knows to quit now without a bachelor's degree is to end up with debt and no diploma. When she graduates next year, Kendra plans to become a probation officer for teenagers so she can help them turn their lives around. She also dreams of attending graduate school, maybe someday going to law school and becoming a defense attorney. What a remarkable young lady.

Look at what she has been through at this point in her life. If a budget talks about a nation's values, this budget shows that we care about students like Kendra. Our budget reflects it.

In her words:

> Without federal financial aid I would just be another statistic. With the help of programs like the Pell Grant, me and others like me can obtain our goals and have bright futures.

We need to help people such as Kendra achieve their college dreams by increasing help through the Pell grant. This budget will do that.

The Republicans come and criticize it: Why are we spending more money? It is another one of those overspending budgets.

We are spending more money to provide more Pell grants so Kendra Walker can finish college, get a job, and contribute back to society. Is that a good investment? I think it is one of the best.

This budget also provides a downpayment on weaning America from foreign energy sources. We know we have to cut back on foreign energy that generates greenhouse gases and makes us dependent on foreign countries. This budget proposes we spend less money heating and cooling with old, inefficient systems in Federal buildings and more money developing smarter ways to use power. It proposes we spend less burning conventional fuels and more money developing cleaner energy sources.

If this budget had already passed and this funding was already available, Lee Celske of Alito, IL, might have been able to put a small portion of that funding to good use.

In this budget, Lee Celske can be helped. Lee is an interesting and entrepreneurial fellow. He has figured out how to create greenhouses out of recycled glass. They can be framed for $30,000, quick to assemble, and a good option for communities. They are energy efficient, can withstand a category 5 hurricane. The factory that makes the houses would employ 30 high-tech, high-paying green-collar workers.

Over the past 14 months, Lee has presold nearly $2 million worth of houses, relying on loan guarantees from the bank that would underwrite the factory once sufficient sales were in place. But then the bank pulled the financing. Lee hasn't done anything wrong. His small company is ahead of schedule on growth targets, and it will create good jobs. Yet his progress has been stopped cold by the freeze in the credit markets. This budget will help finance entrepreneurs such as Lee in Alito, IL.

It contains a deficit-neutral reserve fund to advance the President's goal of expanding renewable energy use, ensuring 10 percent of our electricity comes from renewable sources by 2012 and 25 percent by 2025. There is also money in this budget to green Federal buildings.

Three weeks ago I was a visitor to what was then the Sears Tower, the tallest office building in America. It is now the Willis Tower. I was shown a demonstration where they are about to take this 35-year-old building and make it energy efficient. It starts with replacing 16,000 single-pane windows, energy-inefficient windows, with triple-paned windows, putting in new brackets to sustain the new weight on the building, changing the heating and air-conditioning system, generating electricity with the over 130 elevators that move up and down the old Sears Tower, now the Willis Tower. They will make this investment.

We need to look at our Federal buildings the same way and realize that sticking with old energy-inefficient

buildings is draining money from taxpayers' pockets. Money spent now creating good jobs, making these buildings energy efficient is money well invested. It will reduce the cost in the future of these buildings. Weatherization of homes and office buildings is a critical part of the energy agenda. Mr. President, 60 percent—some say 40 percent, but whatever it is—is a substantial portion of the pollution. It comes from buildings we live in, and we can reduce that pollution if we start dealing with these energy issues honestly.

I listened to the debate on the Senate floor as my colleagues on the Republican side criticized this budget. I will say, in their defense, that writing a budget is not easy. It is hard. There were years when we were in the loyal opposition and couldn't do it, couldn't write it. It diminished our ability to criticize because, frankly, we couldn't put a budget on the table. We just couldn't do it.

Well, the Republicans can't do it this year. They can't produce a budget. They certainly can't produce one to meet the goals they say they want in this budget. So there they stand, emptyhanded, criticizing our work effort, our budget resolution. It does detract from their credibility, if they can't produce their own budget. As I have said, it is hard. There have been times in the past where we in the loyal opposition couldn't.

I encourage colleagues to take a close look at this budget. It makes smart investments in the future. It is fair, particularly to working families. It is responsible. We put on line the actual cost of two wars which the previous President wouldn't even put in his regular budget. We are going to let the American people know what they cost and make sure we make allotments and allocations for them.

I hope when this comes up for a final vote, we can have the support of a sufficient number to pass this budget resolution and move America forward again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I have listened with interest to my friend from Illinois where everything works, every proposal makes sense, every Federal appropriation is carefully handled, and every citizen of the State of Illinois personally prospers. That would be a great world. I hope we can get to it. I don't think this budget takes us there.

I rise to discuss another aspect of this budget, to discuss amendment No. 759, which I have submitted.

I ask unanimous consent that Senators THUNE and ENSIGN be added as cosponsors.

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

Mr. BENNETT. This amendment has to do with the tax treatment of charitable contributions. The budget the Senator from Illinois discussed has to be paid for. One of the ways President Obama has proposed that it be paid for is to change the tax treatment of charitable contributions for those evil people in America who earn more than $250,000 a year. I say ''evil'' in a sardonic sense because, in fact, we all recognize they are essential to the economy. Without them, we would not have the tremendous amount of income tax revenue we do have. We understand that they are paying the lion's share of the income tax. We should not demonize them. But some people have in their response to this and say they earn too much, and we should not allow them to accumulate too much.

One way we are going to make sure they don't accumulate too much is to see to it that they are not allowed to deduct the same percentage of their income taxes for charitable contributions that other people are.

Let's talk about this for a moment. Taxpayers with incomes in excess of $250,000 contributed $81 billion to charities, according to the IRS. That is an average contribution of $22,000. The people with incomes below that have made an average contribution of $2,700, nearly 10 times less. So the charitable contributions made in this country clearly come in the bulk from those who earn over $250,000 who would see the tax benefit from making that contribution go down if President Obama has his way.

I have two interesting personal comments to make about that, one from my son who was having a debate with one of his liberal friends. His liberal friend said to him: Jim, you don't earn over $250,000 so this would not affect you. Why are you so concerned?

He responded: I work for a nonprofit. If their contributions are cut as a result of this, it will affect me. More importantly, it will affect those people whom this nonprofit serves.

I take my son Jim as an example. The nonprofits in this country employ 10.2 million people. When we talk about this budget saving jobs, we have to ask: How many of that 10.2 million people will lose their jobs as they see the contributions go down as a result of this change in tax treatment?

President Obama says: You should make the contribution regardless of the tax treatment. The tax treatment should not stand in the way of your doing good work.

I agree with that. But if the tax treatment holds down the amount of money you have available to do good work, it will impact it.

George Washington made this comment with respect to charitable contributions:

> Let your heart feel for affliction and distress of everyone and let your hand give in proportion to your purse.

What is happening is that President Obama is suggesting that the proportion of your purse will go down as a result of Federal action.

Now I go to the second personal experience that comes out of this. I have long been known as one who is a strong supporter of the arts. I supported the arts when some members of my party wanted to eliminate them, particularly the National Endowment for the Arts. I was here on this floor to argue in favor of that and have been happy to see the arts amount go up each year since we saved it as a result of the action we did in the Senate. Our friends in the other body had zeroed it out in their budget, and we did our best and succeeded in saving it.

A group of arts people have been to see me this week, thanked me for the work I have done—and I thanked them for that—and then described their problem. Their problem is, of course, that their contributions are down. Why? Because the economy is down. So they are having to lay people off. They are saying: Can't we get an even bigger Federal contribution to make up for the fact that the private contributions are down?

Step back from those two comments and see how ironic it is. The President is saying: We are going to change the tax treatment so there will be less incentive for private contributions. The people who live on the basis of these contributions are saying: Our contributions are down. Will you please increase the tax contribution so we can make up the difference?

The President's proposal sets up a situation which takes away with one hand and then presumably gives with another. There is a proposal in this deficit for more money for the arts.

I support that proposal, as I say, because I have always been in favor of some money for the arts, but not for enough money from the Federal taxpayer to make up the amount that will be lost if we follow President Obama's proposal. My amendment will deal with that.

Over one-third of the charitable contributions that are paid go to faith-based organizations, to churches. We have always recognized the importance of religion in this country. Freedom of religion is the first item mentioned in the first amendment. The Founding Fathers thought that freedom of religion and saying that Congress shall in no way interfere with religions was the most important thing they could say in the first amendment. It is there ahead of freedom of speech, ahead of freedom of the press, ahead of the right to petition the Government for a redress of your grievances.

We are going to say to those faith-based organizations, all right, the large donors who make the contributions to the church universities or to the major church activities, they are going to be discouraged by virtue of this tax treatment President Obama has proposed. Yes, you can still pass the plate for the small parishioners. And I do not wish in any way to denigrate the importance of the widow's mite, but anyone who has ever run a major fundraising organization knows that you start out with the big contributions first, and

then you try to add to those the smaller contributions and get everybody involved.

I come from a constituency that has a long history of faith-based contributions and that has used those contributions for tremendously valuable purposes. Originally, to bring people to Utah, they organized what was known as the Perpetual Emigration Fund. People of means put money into that fund so people who could not afford to come to Utah could borrow from it; and then, when they were there, they would pay it back. That is why it was called the Perpetual Emigration Fund. We do not need that anymore.

We now have what is known as the Perpetual Education Fund. People of means put substantial amounts into this fund, which then makes loans to those who cannot get an education otherwise. We heard the Senator from Illinois talk about the importance of educational loans and the importance of Pell grants. This is a fund that makes loans of all kinds, primarily to people at the bottom of the economic ladder, to give them a trade, to help them get the skills they need to support their families—mainly young people who do not have families yet and may not be starting families because they are afraid they cannot afford it.

The large contributors who contribute to this fund are now being told: Well, we still need your money. We still need this effort for all of these young people who need this benefit. But the Federal Government is going to take a little more off the top than they used to.

For those who say: Well, I have only so much to give, and I have to reduce it in order to be able to pay the extra tax, it is the Perpetual Education Fund that will pay the price.

So we have submitted this amendment that would make it clear that nothing in this budget could be used to put in place the President's proposal, and I hope when the time comes, all of my Senators will vote for it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we are discussing and debating all week on the budget resolution. I stand before the Senate tonight to talk about some amendments I am offering. But this is a budget that President Obama has worked very hard on, as well as Chairman KENT CONRAD, the chairman of our Budget Committee. That work done by the President and his team, as well as by the Budget Committee, has resulted in a series of proposals that focuses on a whole range of issues.

But one of the most important parts about this resolution is that it keeps its focus on recovery for the short term, but long term it focuses on issues we all are concerned about and need to spend a lot of time on—issues such as health care, education, and energy. This budget also cuts the deficit in half over the next couple of years and cuts taxes for working families.

We need to focus on all of those issues, and more, because of what has happened to our economy. Since December of 2007, we have lost 4.4 million jobs. In my home State of Pennsylvania, in February of this year, it was reported we had lost 41,000 jobs—the largest single month job loss for the State in 13 years.

These numbers reveal that not only is the economic downturn ongoing but the pace of job loss is not slowing down. In response to the economic crisis, many of our communities in Pennsylvania have community colleges that have offered at least one semester of free tuition to workers who have lost their jobs as a result of the economic downturn.

The first amendment I am offering creates a deficit-neutral reserve fund to establish a tuition assistance program in the Department of Labor. Voluntary participation in this program will not only help workers in need of skills and training for future employment, it will also strengthen qualifying educational institutions and reinforce their role in workforce development in our complex economy.

It makes perfect sense that when people are losing their jobs because of the economy, because of the recession, they be offered an opportunity for further education. This amendment makes all the sense in the world in light of that reality.

The second amendment I am offering sets forth a fund for accelerated carbon capture and storage and advanced coal technologies. This amendment creates a fund to accelerate the research, development, demonstration, and deployment of advanced carbon capture and storage, known by the acronym CCS, and coal power generation technologies.

Today, coal provides over half of the Nation's electricity and supplies more than 40 percent—40 percent—of worldwide electricity demand. Any domestic program to meet the challenge of climate change must include carbon capture and sequestration. We know coal helps build our businesses, helps keep American homes, factories, airports, schools, and hospitals humming. It creates millions of good-paying jobs across the economy.

We know in addition to addressing our greenhouse gas responsibilities, this amendment I am offering will make the United States a leader in the development and export—and that word is very important: ''export''—of advanced coal technologies to those countries such as China and India that also rely upon coal as their dominant energy source.

I am proud to be joined in this amendment by Senators ROCKEFELLER, BAYH, and STABENOW.

Finally, I have a third amendment which would create a deficit-neutral fund for long-term stability and housing for victims of violence. This would be an amendment that speaks directly to a program authorized under the Violence Against Women Act—a great piece of legislation passed to protect women in America.

I am offering this amendment because I want to highlight two very serious problems in this country and the relationship between the two: domestic violence, on the one hand, and its impact on women and children.

In particular, women and children in high numbers fleeing abusive situations often become homeless. There are many very harmful consequences of homelessness for children, which I will mention in a moment. But first I want to emphasize the nexus between domestic violence, on the one hand, and homelessness on the other. That is the reason I am offering this amendment.

One of the things the National Center on Family Homelessness highlighted in its recent report is how frequently domestic violence is a direct avenue to homelessness for women and children. This is supported by other data from the National Network to End Domestic Violence and many other policy groups and researchers.

Several national and State reports show that between 22 and 57 percent of homeless women report that domestic violence was the immediate cause of their homelessness. Research on domestic violence is well documented that batterers commonly sabotage a woman's economic stability, making abused women more vulnerable to homelessness. This program I am offering an amendment for builds on collaboration between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' needs for long-term housing. Helping victims remain safe and stable over time is critical. Victims of domestic violence often return to their abuser because they cannot find long-term housing.

Just to give one example of a real person, a real story from my home county, Lackawanna County, PA: Jean is a 43-year-old survivor who experienced severe domestic violence during her 10-year marriage. She filed for divorce from her abuser in an attempt to find a better life for her and her 2 children, a 4-year-old son and 14-year-old daughter. Unfortunately, as often happens when the victim tries to end the relationship, the violence escalated as her husband stalked her, broke into her home, and severely beat her with a crowbar as her son watched in horror. Her husband was arrested and sentenced to 1 to 4 years.

Following the arrest of her estranged husband, Jean turned to the Women's Resource Center in Scranton, PA. There, she received free and confidential counseling and became an active participant in support groups. Her children joined the children's group at the center, and with legal representation from the center, Jean was able to successfully fight her ex-husband's petition for custody while he was in prison.

Jean's family resided in transitional housing offered by the center while she

got back on her feet financially after the divorce. She returned to school, and this past Mother's Day she graduated with a bachelor's degree in social work. She completed an internship at the center and now works as relief staff member at the center as she prepares to finish graduate school this fall.

Jean says the center is:

> The wind beneath her wings. Everything I've done, I've done because of their help, their encouragement and their empowerment. I am where I am and who I am today only through their incredible support.

So said Jean, a real person living a life of horror that most of us can only imagine.

Her story illustrates the kind of vital help victims of domestic violence and their children can get and need to get. We have a responsibility, every one of us here has a responsibility to victims of domestic violence and to children to keep these programs and services going with the funding they need. These programs save money and literally safe lives. As did Jean, victims of domestic violence and their children can become survivors and go on to live successful, happy lives, free of abuse and free of fear. If we do anything in this budget this year, we should speak directly to those victims who are able to survive horrors that I can't even begin to imagine and go on to lead productive lives.

So with these three amendments, I hope to improve upon what I think is a very good product already—a budget that focuses on our priorities, our fiscal priorities, health care, education, and energy.

With that, I yield the floor.

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

Mr. MENENDEZ. Mr. President, while we are getting set up, I would first ask unanimous consent to speak for 15 minutes.

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

Mr. MENENDEZ. Mr. President, this week we are laying out a blueprint for the part Congress will play in America's economic recovery.

Our budget isn't just a list of revenues and expenditures; it is a balance sheet of priorities and values. The line of numbers come together to form a bigger picture, laying out a vision for where we plan to lead the Nation. On a practical level, it gives us a chance to plan how we are going to create jobs, reform health care, make college more affordable, and end our dependence on foreign oil. This is President Obama's vision, and it is a mission we share and seek to make a reality with this budget.

Considering the current state of the economy, the times demand a bold strategy to give immediate help to those damaged by the crisis and create the conditions for recovery in the long term. But as we are moving forward with clarity and confidence, let's not forget how we got where we are today.

We would all prefer not to have the Government run a deficit and a debt. There is no question about that. Unfortunately, my colleagues on the other side of the aisle are a little late in coming to that conclusion. Republican policies were tried in the last Presidency over the last 8 years and were tried in Congress for 10 years. They took a record surplus to a record deficit. They added trillions of dollars in debt, trading away our fiscal health in exchange for subsidies to big oil companies and tax breaks for the wealthy. They rubberstamped a $1 trillion war in Iraq without even accounting for it in the budget.

For those who are proclaiming themselves guardians of fiscal responsibility, where were they when Dick Cheney declared that ''deficits don't matter''? Deficits don't matter.

So let's be very clear: It is a Republican deficit that we are inheriting and that the President inherited. Even if he did absolutely nothing, he would have well over a $1 trillion deficit.

Republican policies got us into the red. As President Obama has made very clear, over the next few years we are going to bring down that deficit he inherited because our long-term financial health depends on it. But right now, there is a bigger question. The question isn't just how do we cut the Republican deficit the Nation inherited; the question is, What kind of country do we want our children to inherit? Do we want them to inherit a country where foreign workers are better trained and better prepared to compete in the global economy or a country where Americans are, bar none, hands-down the best educated, best trained innovators in the world? Should the country they grow up in be one where they stay up at night worrying because one serious illness or injury can drive their family into bankruptcy or one where everybody can sleep soundly, knowing their whole family has health coverage? Is this going to be a nation that is forced to send hundreds of billions of dollars a year to foreign governments to pay for oil or a leader in the development of clean, cheap energy, creating jobs that can't be outsourced in exporting our technologies around the world?

Those are the choices we face, and in this budget we have chosen our path with confidence. We are making health care more affordable for the middle class, investing in clean energy to create jobs that can't be outsourced, helping more middle-class Americans get a college education, and cutting taxes for middle-class Americans. That is the kind of country President Obama has promised to help us build, and it is the kind of country we are choosing to build in this budget. In a sense, if we want to get our economy moving again, we don't really have a choice but to make these investments.

Since this recession began, more than 4 million Americans have lost their jobs, 600,000 people are losing their jobs every month and often their health insurance along with it. The housing market, the epicenter of this crisis, is still unstable. A tsunami of foreclosures is still devastating our neighborhoods and leaving families on the rocks, while homeowners have seen their homes lose a staggering collective $6.1 trillion in value since 2006. While paychecks are shrinking, Americans continue to send hundreds of billions of dollars every year to foreign countries to pay for their oil.

So I don't think there is any doubt that investing in a better future isn't a luxury; it is a necessity. It is time for the kind of reinvestment this country needs to recover our economic dynamism and strengthen the 21st century economy, and that is what this budget does.

Let me talk about middle-class tax relief.

First, this budget brings immediate tax relief to middle-class families. It brings tax relief to married couples, an expanded child tax credit, and a patch for the alternative minimum tax. That tax, the alternative minimum tax, was originally designed to keep the wealthiest Americans from using creative accounting to avoid all taxes, but it was never intended to hit the middle class as hard as it is hitting them right now.

I am proud to have introduced the amendment earlier this year in the stimulus package that passed that saves, for example, in my home State of New Jersey, over a million New Jersey families up to $5,600 a year, and this budget makes a commitment to those taxpayers that they will not be subjected to higher taxes under the alternative minimum tax for the next several years. That is why collectively all of the tax cut benefits—the revenue changes in this budget—are about $825 billion in tax cuts over the next 5 years. That is the kind of relief we need to put money back into people's pockets and give families who are being squeezed some financial breathing room. If you are a middle-class family, there is no doubt that this budget is good for you.

Our budget also makes a strong investment in education. There are few instruments and investments we can make that are as important because it is no secret how closely tied our economic success is to success in the classroom. The country that out-teaches us today out-competes us tomorrow. So if we are going to stay at the apex of the curve of intellect and innovation, we need to invest in human capital and give our young people the skills to thrive in a 21st century economy.

I know what that means personally. I know what Pell grants and other assistance for higher education means for students and their families. I was raised in a tenement—poor, the son of immigrants, the first in my family to go to college. I know I wouldn't be standing here today as one of 100 Senators in a country of 300 million people if it weren't for the Federal Government's support for higher education.

So I am proud that this budget commits to making college more affordable. It boosts Pell grants to $5,550, and it provides a $2,500 credit for higher education through the American opportunity tax credit. That amounts to almost half of tuition at a State college or research university and full tuition at a community college. That is the kind of investment we need to help workers damaged by this crisis as well as to prepare younger people for a brighter future.

Our family budgets, our economic competitiveness, the stability of our climate, and our national security all depend on ending our dependence on foreign oil. The budget builds on the economic recovery package, supporting investments in renewable energy, efficiency and conservation, and modernizing the electric grid. I am proud to have authored provisions that bring funding to our communities to help save energy in the most efficient ways they know. The more we assist our hometowns in energy-efficiency projects, the more it creates jobs, brings down our electric and heating bills, and fights the global warming that threatens our very way of life.

The budget also takes a major step toward making health care more accessible and affordable. It expands coverage, saves on costs by implementing new technologies, puts a stronger emphasis on prevention and wellness, and supports the kind of research that can find a cure for my mom's Alzheimer's. For years, the administration neglected key areas of the Federal health system. This budget restores them to their rightful importance.

We are going to have a National Institutes of Health which will save lives with their innovations. We are going to have an FDA that has the resources to keep the food we put on the table safe to eat and make sure we fully know the risks and rewards of the drugs that come into the market. A larger health care reform is on the way, but up until that happens, our message is very clear: We will not rest until, in this great Nation of ours, no one goes to sleep at night without access to affordable health care.

Let me conclude. There is one thing all economic crises have in common: They all end. While history has shown that government can play a constructive role, a recovery can't come from government alone. The jobs of the 21st century are going to be created by the free market within a regulatory structure that prevents it from collapsing on itself. With the kinds of investments we make in this budget, we are paving the way for the private sector to create jobs and start us on the road to economic recovery.

The budget sends tax relief where it should go: to working middle-class families. It moves us away from the mistakes of the past by accounting for the costs of the war in Iraq until we withdraw in 2010. It makes health care more affordable and brings a college education within reach for millions of young people. It makes the investments to begin to end our dependence on foreign oil that will keep money in our pockets and create jobs here in America. And it will cut the deficit President Bush left us before the end of President Obama's term.

To sum it all up, we put forth a plan to invest in our future and get our economy moving again. It is a plan that puts forth a basic idea about what America should be. It should be a country where anyone willing to work hard can get an education and a job, a country where everyone has access to the medical services that keep them healthy, a country where a lifetime of hard work guarantees the right to retire with dignity, a country that knows its past and cares about its future.

We have a lot of work to do. I am tired of hearing just a chorus of noes, the same old politics, the same old Republican policies that got us to where we are today. As President Obama and we try to move forward in a much better direction for the country, what we hear is no, no, and no. This is about saying yes to a brighter future. This is about saying yes to the fulfillment of the opportunities that each and every American should have. This is about saying yes to a new set of policies, and it is about an opportunity to change the direction of our country.

I have great faith that we will meet these challenges. This is a country that went to war twice in Europe to beat nazism and fascism and did so. This is a country that put a man on the Moon and created a scientific revolution as a result of it. It is a country that cured diseases that were once thought incurable. It started a technological revolution that still is the envy of the world. And with this budget and working with this President, it is a country that, once again, will lead both at home and abroad.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Mr. President, I rise today to speak in support of the underlying budget resolution we are considering this week. I first want to thank Chairman CONRAD for all of his leadership and for the good work he and his staff have put into developing this budget resolution.

In November, the American people chose a new direction. That is what President Obama and this 111th Congress are working to deliver. I am proud of what we have been able to accomplish so far: an economic recovery package that is already putting Americans back to work and investing in our communities; a children's health insurance bill that expands access to health insurance to 4 million children who will now be able to receive health care services no matter what the circumstances their families face; the Lilly Ledbetter Fair Pay Act, which ensures that all Americans are paid the same regardless of age, gender, race, or ethnicity; a national service bill that taps into the strong desire of Americans to do their part to help our country recover and prosper through voluntarism; a public lands bill, which is the most significant conservation legislation passed by Congress in 15 years.

We are off to a good start, but we all know we still have a lot of challenges to tackle. We have inherited the worst economic crisis in generations, and we need to get our economy back on track. That means finally addressing challenges that have been ignored for far too long. We have the opportunity to begin this process now by passing a comprehensive and sensible budget to guide our next year.

I support the priorities that President Obama has set out for the budget. Like the President, I believe we must reform our health care system. We must move our country toward energy independence. We must expand the promise of education. We must cut our national deficit in half over the next 4 years.

Right now, we spend 16 percent of the national gross domestic product on a health care system that is broken. This is the time—especially now—when we need to reform health care to bring down costs, expand coverage, and improve the quality of the health care coverage that we all receive.

Our Nation can save billions of dollars through health information technology. I am pleased this budget that we are considering builds on the funding in the economic recovery package that has been dedicated to modernizing health care through the use of electronic medical records.

This budget also makes a significant investment in comparative effectiveness research. It is a long name, but what it essentially means is that we need to look at what is working in health care for the least cost, the research on which Dartmouth College in my home State of New Hampshire has been working hard. The Dartmouth Atlas Project has done some of the best research into looking at what is most effective for health care procedures and remedies in the country.

On energy, we all know our national energy strategy has been on an unsustainable course for a very long time. We are overly dependent on foreign oil, and we must begin to address the threats of climate change.

These challenges call for a paradigm shift in the way we produce and use energy. I am pleased the budget we are considering makes investments in clean energy technology, energy efficiency, and recognizes that we have to modernize our energy infrastructure. I believe these investments in clean energy will create new green-collar jobs

at home that will save consumers money.

We also have to invest in education so our children can compete in this global economy. Senator MENENDEZ talked about that very eloquently a little while ago when he talked about his experiences.

I am one of those kids, too, who, without a public system of higher education, would not have been able to go to college. That is why I am pleased the budget resolution we are considering expands opportunities for students to go to college—to go to college and to graduate—because it increases Pell grants to $5,550 per student and provides education tax incentives for families.

This budget also recognizes the critical importance of the early years in a child's life by providing significant support for early childhood education and title I programs. The long-term strength of our economy is dependent on each of these issues—education, health care, and energy policy. We need to act now to make critical investments to stimulate the economy in the short term. But we also have to do this in a fiscally responsible way that puts us on a path toward reducing our deficit. The budget deficit has been growing for 8 years. This President and this Congress inherited a debt and deficit that are at record highs. We are not going to erase these deficits and debt overnight. But we can work toward significantly cutting the deficit over the next few years. The budget that has been laid out by Senator CONRAD and the Budget Committee puts us on an aggressive course toward a balanced budget.

Spending nearly doubled under the previous administration, and revenues have now fallen to the lowest level as a share of our economy since 1950. The Obama administration inherited these record deficits and a national debt that doubled during the 8 years of the Bush administration.

This Congress, this President, and this budget are reversing course and putting our country back on a path to a balanced budget. This budget cuts the deficit by two-thirds by 2014. At the same time, it makes wise investments that will lead to economic growth in the future.

As a former Governor, I understand how important and difficult it is to balance the budget. It takes a lot of hard work, patience, and compromise.

I never expected the New Hampshire State Legislature to rubberstamp my budget when I submitted it. I knew it would change to reflect the interests and priorities of legislators, and that is exactly what is happening in Congress. But I also understand this Congress is going to send a budget back to the President that I believe will contain those priorities that the President supports and that we support as Members of Congress.

Mr. President, I also want to speak about an amendment I intend to offer this week. My amendment is No. 776. It is simple and straightforward. It would establish a deficit-neutral reserve fund to monitor FHA-approved loans. We have to remember that one of the things that got us into this economic mess is what happened in the housing market. Unfortunately, we need to make sure that doesn't continue to happen going forward.

The Federal Housing Administration is playing an increasingly critical role in promoting home ownership during these tough economic times. The FHA now insures about one-third of all new mortgages.

In the runup to the subprime crisis, many fraudulent lenders pushed borrowers into mortgages and refinancing that they could not afford just to collect commissions and fees. We need to make sure we prevent that from migrating now to federally insured loans, which would put taxpayers at risk of footing the bill for another bailout.

The amendment I am going to offer addresses the need for HUD—Housing and Urban Development—to be able to properly investigate and remove fraudulent lenders from the program whenever they deem it appropriate.

As I said, I am confident that we will be able to pass a budget that invests in the future of America. I am hopeful all of our colleagues will join in that effort because I think it is important to strengthen the middle class, restore fiscal discipline, and make the investments that we need to make to ensure that this country is going to continue to be strong and competitive in the future.

I urge my colleagues to support the 2010 budget resolution, and I hope they will also support the amendment I am offering to address potential fraud in the FHA housing market.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

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

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

## HONORING OUR ARMED FORCES

### STAFF SERGEANT TIMOTHY BOWLES

Mr. UDALL of New Mexico. Mr. President, on March 15, Air Force SSG Timothy Bowles decided to help a fellow soldier. A friend was scheduled to visit a school near Kot, Afghanistan, as part of his provincial reconstruction duties, but he was feeling sick. Timothy offered to take his place.

He never returned from that trip. Timothy Bowles was killed when his vehicle was destroyed by a roadside bomb. He was 24.

We all celebrate the remarkable bravery of our men and women in uniform. But Timothy was not just a brave soldier; he was a deeply kind and caring man. He displayed not just the martial virtues of the soldier, but the simple kindness that we all hope to find in our friends, our families, our fellow citizens.

Timothy grew up in the Air Force. His dad, Air Force Msgt Louis Bowles, fought in the first gulf war. As a child, Timothy moved from base to base while his dad served our country. He knew the hardships that the military can bring. But when he turned 18, he quickly signed up to serve.

We tend to think of that decision as one of physical bravery. Every soldier accepts the risk of injury or death. They commit themselves to challenges that many Americans will never know. And they put in the effort that will transform them from civilians into soldiers—the effort that makes the U.S. military the finest fighting force in the world.

But the decision to become a soldier is also an extension of values that we all share. It is the act of a good neighbor pledging to help keep the neighborhood safe. Of a good father telling his family they can count on him. Of a good citizen who puts his community before himself.

Please join me in honoring Timothy Bowles and extending our sympathies to his father Louis, his mother Lisa, his sister Heather, and all of the Bowles family.

Timothy was a good soldier and a good friend—to his fellow soldiers, and to all of us.

## AMERICAN RED CROSS MONTH

Mr. BROWNBACK. Mr. President, ''America the Beautiful'' is perhaps one of the most moving anthems that captures the very essence of our Nation. In the fourth verse, Miss Katherine Lee Bates wrote, ''O beautiful for patriot dream that sees beyond the years, thine alabaster cities gleam Undimmed by human tears! America! America! God shed his grace on thee and crown thy good with brotherhood from sea to shining sea!'' From the inception of our Nation, the strength of America has been our unwavering sense of honor, an unshakable belief that we are all created equal ''under God'' and our unrestrained sense of global humanity.

This is the embodiment of the American Red Cross and of the vision articulated by Clara Barton, founder of this wonderful organization that has helped countless individuals in times of crisis whether comforting a wounded soldier during battle, assisting those who are

recovering from a natural disaster, or administering life-saving blood to a sick patient. It is indeed the legacy of this organization to go and serve those in most need—even to the endangerment of the volunteer. Clara Barton once elaborated on importance of service to others, ''I may be compelled to face danger, but never fear it, and while our soldiers can stand and fight, I can stand and feed and nurse them.'' Though the focus of the Red Cross has grown over the years the tenacity to help those in need and who face grave danger has never wavered.

Since 1943, every President of the United States has proclaimed March as American Red Cross Month and in turn, the organization uses this month to promote the services provided to the public each and every day. Communities depend on the Red Cross in times of need and the Red Cross depends on the support of the public to achieve its mission.

I am pleased to join with the Red Cross and highlight the courageous work that this organization accomplishes year after year and celebrate March as American Red Cross Month. As one of the best known humanitarian organizations, the Red Cross has been at the forefront of providing aid to soldiers during times of war and peace and helping individuals and families prevent, prepare for and respond to large and small scale disasters for more than 127 years.

I am very pleased of the work that the Kansas Red Cross has achieved over the years and am especially delighted to highlight the work of the Kansas Capital Area Chapter for their involvement in the creation of the ''Holiday Mail for Heroes.'' This program is a partnership between the Red Cross, Pitney Bowes, and the American people. Holiday Mail for Heroes distributes holiday cards to military veterans and active duty personnel throughout the world. This past year, over 1 million cards were received and sorted by hundreds of Red Cross volunteers. Pitney Bowes boxed and shipped them to different distribution sites—the Kansas Capital Area Chapter being one of them—and I am proud to report, shipped more than 1,000 cards.

In addition, to the focus on veterans, the Red Cross also provides programs that promote health and safety services as well. These vital services help to save lives and strengthen communities through education, training and products that enable people to prevent, prepare for and respond to disasters and other life-threatening emergencies. I know that I am profoundly grateful for the services that the Red Cross has given to my state during our times of challenges with natural disasters.

Last year alone, more than 5 million people took advantage of such educational opportunities, attending Red Cross first aid, cardiopulmonary resuscitation—CPR—and automated external defibrillation—AED—training classes. I know that I am profoundly grateful for the services that the Red Cross has given to my State during our times of challenges with natural disasters.

Other educational programs and services include Aquatics, such as basic swimming lessons, lifeguarding and water safety, care-giving, and HIV/AIDS education.

The American Red Cross has been able to provide services because of the tireless and dedicated work of volunteers, often known as ''Red Crossers.'' Many of these ''Red Crossers'' have been involved in their communities for 10, 20 or even 80 years.

Mr. President, it is very fitting that we celebrate March as American Red Cross Month and continue to advance the principles of this very essential organization.

## IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Our family is being greatly affected by the rising energy prices, especially gasoline; we are average middle income America here and we do not have a lot of extra money to keep up with the rising gas prices. If something could be done such as more development of domestic oil, fossil fuels, nuclear research or anything else, besides depending on OPEC prices, that would be a really boon for our Nation as a whole and help with our correct recession. Have a blessed day.

BRENT and CHARLENE.

---

My wife Suzanne and I are Idaho natives of 33 years. We have three children who are approaching the teen years. I earn a modest income as a police officer in Caldwell. From the time of our marriage over 13 years ago until last year, Suzanne had served our family as a homemaker and educator of our children. Part of curriculum Suzanne employed involved music lessons, sports, and dance, which required many miles per week of driving from our home to each event. Even though we operate a fuel-efficient vehicle getting over 30 mpg, the transportation costs have always been substantial. Last fall, we made the decision to enroll our children in a local charter school focusing on our children's talents in music. I am proud to say that they tested into the school a grade level above their age and have all received high honors in their first year. This is a testament to Suzanne's hard work and skill as a teacher.

Since Suzanne and I enrolled our children into school, she decided to take a part-time job in Meridian to help our income. At about the same time Suzanne entered the work force, fuel prices began to rise and have never stopped. Now we still have travel for music lessons, sports, and dance, as well as Suzanne's commute to work. Despite our efforts to conserve, Suzanne's income is completely used up and then some paying for higher fuel prices. Each year over the past 5 years or so, I have made more money, but we have had a continually harder time providing for our family's needs. I believe that this is due in large part to the price of fuel.

I hope that this recent fuel price increase will prompt the members of Congress to act and the citizens of our country not to accept less than the best solution to the problem. I am in favor of allowing the free market to solve the energy problem with innovation. I do not support the intrusion of the Federal Government with taxes and regulations. I think the ideas of windfall profits taxes for corporations' amount to no less than theft and would serve only to severely damage our Nation's long-term productivity and morale. I would like to see the following things happen ASAP and believe if implemented that they would solve the fuel shortage very soon, as well as stabilize the market for decades to come without any compromise to the environment:

Build nuclear reactors to produce a clean, long-term supply for electricity. Retire all dams on the Snake River in Idaho and Washington once nuclear reactors are online.

Lift the drilling restrictions on domestic petroleum exploration.

Allow for the construction of enough oil refineries and infrastructure to handle the projected increase in demand and oil production.

Immediately stop production and government subsidy of ethanol. It is not efficient and cannot support itself. Corn is best used for food.

Stop refining so many different grades of gasoline. Refine only 92 octane gasoline and #2 diesel fuel. This will provide fuel for all cars currently in use while increasing current refinery production capacity through consolidation.

Offer tax incentives to auto makers to produce vehicles that get good mpg (35+ for cars, 25+ for trucks). Allowing the free market to solve the problem, which they are already trying to do, is the best and quickest way to get it done.

I hope this letter finds its way to those who can help effect the change necessary to keep our country secure and prosperous. Thank you for time.

SCOTT, *Middleton*.

---

Fuel is a necessity in our country, just as milk and eggs cannot be traded in futures markets oil should not be speculated on. I work in the transportation industry. Currently, due to high fuel prices, business is poor, reducing my income. There is little or no public transportation available to me so my costs have increased dramatically in spite of my efforts to travel less. I cannot continue on this path much longer without painful sacrifices or perhaps an additional job. Meanwhile it is business as usual in Washington, [partisan arguing without any solutions from people who may be in higher

income brackets than the majority of Americans]. We have the resources we need in this country. Let us have access to what rightfully belongs to the American people. Maybe it takes 10 years for this to have an effect. Where will we be 10 years from now if we do nothing now? New technologies need to be developed, but in the meantime we should use some of the resources that we have available to us, if we do not, those countries who are using the resources available to them (China? Venezuela? Brazil?) will own us. Our government and special interest groups have made it so that we cannot use our own steel, coal, oil, timber, and many other natural resources; we are being regulated back to the days of the horse and buggy. The way I see it, not only is this fuel crisis an economic threat; it is a threat to our national security.

Please share my sentiments with your peers. Better yet, how about having some of us from the middle class come and talk some sense to them. As a regular citizen I do not have the capability to make an ''emergency appropriation'' to cover my shortfalls. Inaction on the part of Congress and the Senate will have serious consequences in the near and long term.

JOHN, *Idaho Falls.*

---

I appreciate the opportunity to send you my thoughts on the ''Energy Crisis''. Like many Americans our age, my wife and I had dreamed and planned of the time we would retire. While never rich, we were always comfortable. When we retired we had sufficient for our needs and a little to spare.

We have five (5) children and 23 grandchildren. As our children were growing, one of the many happy memories they had of their grandparents was each summer knowing they would come with their 5th wheel trailer and spend time with us. Sometimes we camped with them, other times they just parked in front, or alongside our home and used their trailer as their home away from home. They were then in the same position we are now. Their children had moved from the area seeking jobs and opportunities not found were our parents lived.

For years we planned to be able to live a similar life. Spending time with each of our children and grandchildren building memories and connections of love that would help knit our family into a family similar to the one we shared with our parents.

About 5 years before my retirement, we purchased a modest 5th wheel trailer and a pick-up truck to pull it. We wanted to have everything paid for prior to my retirement. The trailer will never be used as we had planned because the cost to pull it is greater than we feel we can afford. We have one son who lives here in Idaho Falls, and we are able to enjoy his family on an ongoing basis. Our son who with his family lives in Oklahoma will get to see us for a few days once a year. Even driving our car which does get quite good mileage makes the cost for multiple trips per year out of the question. Our daughter and her family who live in the Seattle, WA, area similarly will be able to enjoy an annual visit (again driving our car). Our other daughter and son live in Utah, and because of the relatively close proximity, we are able to visit several times per year.

We had dreamed of being able to take our grandchildren at various times to see some of the wonderful sights of our country, such as Yellowstone Park, Mount Rushmore, Zion National Park and other such areas. With our truck and trailer it would have been a wonderful adventure. By car with the costs of lodging, meals, and especially fuel even that is not a viable option.

Do we suffer with insufficient food, power, or other necessities of life? The answer is no. Do we long to be able to share with our loved ones the time and experiences that our children enjoyed with their grandparents? The answer is definitely yes.

The impact of our situation will influence negatively not only my wife and I but future generations as well. Traditions that were important in our lives will be lost. The connection from one generation to the next and the generations that follow will be weakened.

We feel blessed that we presently have sufficient for our daily needs, and a little to spare, but we also feel betrayed by a series of decisions and events that have taken from us our dreams.

Thank you for allowing me to provide this to you.

ORVILLE and RHEA, *Idaho Falls.*

---

I work at the INL, and my wife has a painting and decorating business. I ride the bus to work, and my wife has two employees for the summer; they are college students. We have had to use our home equity line of credit to cover the extra cost of fuel and everything it has caused the price to increase on. People we come into contact with at the INL or through the painting business are saying the same thing. People have less money to spend because the cost of everything is going up, due to the fact that the price of oil affects everything, just not driving. With less money to spend, people are doing less, putting off home repairs, vehicle repairs, skipping a visit to the doctor or dentist, the effects are being felt by everyone.

Drilling for oil off our coasts, in Alaska, oil shale and other areas should be a No. 1 priority. The technology exists to do it safely and environmentally friendly. Yes, there should be windmills, ethanol, biodiesel and other alternatives, but those alone will not solve the problem. More oil is being used worldwide, so more needs to be produced. Oil is used in so many things that it will always be in demand. I would rather see my money go to the oil companies, than to the Arab countries. If we are drilling in America, then the money stays in America. I am tired of the lies to the American public that it will take time to drill, how long will it take to get other technologies online. Or the lie that the oil companies have millions of acres of leases. Tell these people to stop the smoke and mirrors game, they were sent to Washington to represent the people, not play games. If they were working for my wife painting, they would have been fired for not getting the job done they were hired to do.

BRIAN.

---

As a family, we are finding the increase in gasoline prices in Idaho especially difficult as we try to continue our regular activities. We rely so much on our transportation needs as we attempt to take advantage of the many opportunities afforded to us here and serve throughout the community. The costs are beginning to have a negative impact and limit so many of our friends as well, as so often, we are all living with tight budgets each month. Raising a family is expensive and getting much more so as the gas prices are passed on to food, clothing, and other costs.

Our ancestors saw the need to be self-sufficient, to use and re-use and make do with what they had. This is the best and most effective way to be good stewards of our land and happened long before the trend to go ''green''. Indeed, much of the ''green'' activity today borders on the ridiculous. We would really like to see our Nation become self-sufficient, as well by drilling in our own country, eliminating our dependence on foreign oil. Our lands are special to all of us, especially those of us in remoter areas that are still beautiful and pristine, such as Idaho and Alaska. But if we act responsibly, we can continue to preserve our lands and provide for our own people.

We would also like to see some alternative fuel innovations encouraged with incentives to use them.

Thank you for all you do for our State. We know that it is hard work, especially working with a Congress that is often unwilling or unable to see the obvious solutions many in the public can see so clearly.

CHRIS and SHAWNA, *Boise.*

---

The unacceptable rises in every facet of living is really beginning to affect the quality of life for both myself and my fiancé. We have really noticed the strain on our pocket books despite having paid off several debts thus freeing up more of our money. Because of the prices in gas, we are forced to restrict our more frivolous pursuits. We find it hard to partake in dining out and spending money on entertainment. Travel, which we enjoy doing often, is almost out of the question completely. Our spending habits are becoming more and more conservative and only the necessities are being purchased. I know we are not alone in this, for all of our friends and relatives are cutting back and struggling to make ends meet.

It cannot be good for the American economy when we are forced to spend most of our money on just getting by. We work hard for our money and resent having it stolen from us at the pumps, the grocery store, and at home while using everyday appliances. While oil companies are enjoying record profits, (Exxon making $40.6 billion in 2007; according to US News), Americans are paying record prices for a gallon of gas. Is there any question as to why gas prices are so high?

This madness has to stop. We must pursue other fuel alternatives and fast! Not in 5 or 10 years but today. Our country is heading into a depression and printing more money is not going to solve it. Let us put our Americans to work by making fuels here, at home. It is time we become self-sufficient once again.

ROMA, *Boise.*

---

Thank you for the fine job you do for Idahoans. We realize current energy prices are wreaking havoc because the cost of transportation impacts prices for everything we buy including food and clothing. Those hardest hit, are the poor, elderly and our working families. My grown children and their kids are pinching every penny to try to make ends meet. It is getting much harder.

In the short term, I would like our country to utilize safe offshore drilling. (I heard the rigs in the Gulf Coast withstood Katrina very well.) At the same time, we need to understand and utilize ''best practices'' with renewable energy. When we were in Europe a few weeks ago, my husband and I learned they use nuclear power. An electrical engineer we met in our travel group tried to help me understand that nuclear power is safe. I would like to believe that is true, but my only concern is that we not leave a mess for our grandchildren and their grandchildren to solve.

Our citizens need to do our part by not buying the gas guzzlers our auto makers so happily design. We can also get off our duffs and walk more and use bicycles. When we were in Holland, my husband and I were amazed at how many people, old and young, use bikes. Kid do not ride school buses; they ride their bikes to school. For that to work here, we need safe bike paths. I would be terrified to let my grandkids use the bike path on our Emerald Connector overpass in Boise.

Thank you and God bless you.

MARJEAN, *Boise.*

---

I thank you for your efforts concerning the energy problems we face. We live in the very

rural area of Salmon. Public transportation is not an option. Most home sites are within a 10-mile radius of town; however, public trails and non-motorized travel is not an option either. Our family is suffering from the increase in energy costs to the degree that we have had to alter an already modest lifestyle. We live in an area where pickups and SUVs are a way of life. We use our truck to mend fences, irrigate, transport lumber and haul equipment. We have reduced the insurance on this vehicle to liability and only drive it now when we have to. We have purchased a small 1989 ''beater'' car that gets 25 mpg to travel to town. We would purchase a more economical vehicle if we could, in particular, one that utilizes hybrid technology. However, our family cannot afford a $30,000 vehicle; this is a ''luxury'' afforded to the wealthier classes.

On visiting Sun Valley recently, we saw a beautiful trail system, a bus system and pedestrians/bikes everywhere. Their community is unique in Idaho. They have the economic foundation to provide alternatives to their citizens that lessen the burden. It is not safe to travel on bike or scooter along US Hwy 93 and 28 into the town of Salmon. Our populous is too small to support a bus system. We would like to see more support for the development of alternative transportation, in particular, non-motorized travel such as a beltway that would connect the rural outskirts to the center of town. As Salmon grows, we are also seeing more children traveling along these narrow and inadequate strips of highway. We would also be providing a safe means for them to access community services such as the library and swimming pool.

Many of us are already car pooling and we have limited our trips to town as much as possible. Please help us find other means to lessen the burden of living in rural Idaho.

MICHELLE, *Salmon*.

---

I have been riding a bike to work this is great; however, I am financially strapped to the point where I will not spend any money for anything other than food, gas. We are not traveling; our kids are not entering into sports. We are staying close to home. I am only buying gold and silver for retirement because I suspect Congress and the Senate will never fix the problem of inflation. If the situation worsens, I will become another bankruptcy casualty.

1. Remove the Federal reserve or get us on a two tiered gold standard and a path back to financial responsibility.

2. Bring our troops home no foreign spending on anything but American-A nationalistic view.

3. Incentives for companies to return to America.

4. Drill, drill, drill, blue collar workers state we are being lied to about the amount of oil off of Alaska.

STEVEN, *Nampa*.

## ADDITIONAL STATEMENTS

### REMEMBERING CURT MENARD

• Mr. BEGICH. Mr. President, I wish to commemorate the life of a very special resident of my home State of Alaska, Curt Menard.

Mayor Curt Menard passed away March 3, 2009, after a long battle with myeloma.

Mayor Menard was the embodiment of a true Alaskan. Honorably serving in our Nation's Air Force took him to our State where he left his mark. Curt and his wife Linda purchased one of the original homesteads in the Matanuska-Susitna—Mat-Su—valley and Curt became one of the first dentists in the area. He devoted his life to the people of the Mat-Su, and for that we are all grateful to this remarkable man.

On behalf of his family and his many friends, I ask today we honor Curt Menard's memory. I ask that his obituary, published March 5, 2009, in the Mat-Su Valley Frontiersman, be printed in the RECORD.

The information follows:

[From the Mat-Su Valley Frontiersman, Mar. 3, 2009]

Curtis Delbert Menard, 64, died March 3 at Mat-Su Regional Medical Center, from complications of multiple myeloma.

A funeral service will be held at 1 p.m. Saturday at Wasilla High School with Pastor Larry Kroon of Wasilla Bible Church officiating. The following are pallbearers: Curtis C. Menard, Larry, Sgt. Maj. Ret. Ritchie, Nancy, Jim, Gabrielle, Tanner, Harrison, Sullivan, Brock, Grant, Jack, Alexandra, Jane and Charles Menard, and Lewis Bradley. Burial will take place later in the spring at the Menard homestead.

Dr. Menard was born June 16, 1944, in Detroit. He graduated from L'Anse High School in 1962, received his undergraduate degree at Marquette University in Milwaukee, Wis., and graduated from Marquette University School of Dentistry Class of 1968.

He had served with Habitat for Humanity, The Alaska Railroad Board, American Legion, Salvation Army Board, and as chairman of the Multi-Use Sports Complex, and was a member of Wasilla Bible Church. He was an honorary member of the Wasilla Rotary Club, was the Wasilla Chamber of Commerce Citizen of the Year, and the Frontiersman Mat-Su Dentist of the year. He enjoyed fishing, hunting, flying, marathons, farming, coaching, politics, and well wishing.

His family wrote, ''Curt Menard was raised in L'Anse, Mich., born to June and Curtis Menard. At 15 years old he met the love of his life, Linda. Linda and Curt moved to Milwaukee, to pursue his life-long dream of becoming a dentist. In 1968 he graduated as class president from Marquette University School of Dentistry. He joined the United States Air Force and was stationed at Elmendorf Air Force Base in Anchorage. He worked exclusively with Vietnam soldiers in preparation for the war. During that time he learned to fly and there his love affair with planes commenced. He flew a 206, Supercub, Citabria and a PA 14. In 1972 he purchased one of the original homesteads in the Mat-Su Valley and built the first professional building and dental office in Wasilla. He especially loved his dental contract in the village of Togiak. Three years later Curt lost his dominant right arm in an electrical accident. With unsurpassed determination, Curt learned to practice dentistry with his left hand. Sen. Curt Menard's public service began as a school board member. Encouraged by his experience, he ran for office and became a state legislator. By this time, he had two thriving dental offices, Palmer and Wasilla Dental Center, 33 employees, five children, and was a respected community leader and politician. He had a love for farming and not only baled 55 acres of hay every summer, but enjoyed cows, chickens, turkeys, homing pigeons, pigs, horses, a cat and many dogs. In 2001, tragedy again struck the family. Curt's son, Dr. Curtis C. Menard II passed away in a plane crash.

''Curt was diagnosed in 2003 with multiple myeloma, an aggressive and painful cancer of the bone. In 2006, in true Curt fashion, he took on the task of running and being elected Mat-Su Borough Mayor. In 2007 he went through a stem cell transplant at the Seattle Cancer Care Alliance. In a selfless manner he put his community before himself and carried out his mayoral responsibilities until the very end. And if you met 'Doc' today, his hook would not be the first thing you would notice. You'd see the twinkle in his eye, feel his zest for life and compassion for his fellow man, share his love of his countryside and then, maybe, you'd notice the hook. But by then you'd be so hooked on the man, it wouldn't matter.''

Survivors are his wife Linda of Wasilla; sons and daughters-in-law, Robert and Gretchen Menard of Milwaukee, Steven Menard of Wasilla, Dr. Dirk and Alicia Menard of Fairbanks; daughter and son-in-law, McKenzy and Jared Boyd of Milwaukee; daughter-in-law, Dr. Carole Menard of Wasilla; grandchildren, Brock, Grant, Jack, Alexandra, Gabrielle, Tanner, Harrison, Sullivan, Jane, and Charles; father, Curtis C. Menard of L'Anse, Mich.,; brothers and sisters-in-law, Larry and Virgie Menard of L'Anse, Sgt. Maj. Ret. Ritchie and Maj. Ret. Joyce Menard of L'Anse, and Jim Menard of Nome; and sister, Nancy Menard of Germantown, Wis. He was preceded in death by his mother, June Menard; and son, Curtis C. Menard II.•

### REMEMBERING JOHN HOPE FRANKLIN

• Mrs. BOXER. Mr. President, today I honor the life of a great American, John Hope Franklin, who died last week at the age of 94. Dr. Franklin was a witness, participant and documentarian of the struggle of African Americans for civil rights and the fight to have this country fulfill its promise to become a more perfect union for all of its citizens.

Dr. Franklin once said, ''I want to be out there on the firing line, helping, directing or doing something to try to make this a better world, a better place to live.'' In his life, Dr. Franklin did just that through his work with W. E. B. Du Bois, his efforts on Brown v Board of Education with Thurgood Marshall and by marching from Selma to Montgomery with Dr. Martin Luther King, Jr. How wonderful that this great fighter for civil rights was able to witness the election of Barack Obama as President of the United States.

As a historian and a teacher, Dr. Franklin enriched this Nation by educating us all about race issues. He began his teaching career in 1936 at Fisk and continued teaching over the next six decades, at schools such as Howard University, the University of Chicago, Cambridge University in England, Harvard, Cornell, the University of California Berkeley, Duke, and other institutions. He had a passion for teaching, and I was fortunate enough to sit in on Dr. Franklin's classes at Brooklyn College in the 1960s. Having him there was like having a real star in our midst, and students who were lucky enough to get into his class bragged about him from morning until night.

Dr. Franklin was the author of nearly 20 books, beginning with ''The Free

Negro in North Carolina, 1790–1860,'' which explored slaveholders' hatred and fear of the quarter-million free blacks in the antebellum South. His 1947 ''From Slavery to Freedom: A History of African-Americans,'' remains a classic and one of the most definitive explorations of the American Black experience. Dr. Franklin once said, ''One might argue that the historian is the conscience of the nation, if honesty and consistency are factors that nurture the conscience.'' While many of these studies may have been of the past, they inevitably shed light on the struggles we continue to face as a nation.

Dr. Franklin led a life of firsts, and President Clinton awarded him the Medal of Freedom, the Nation's highest civilian honor, in 1995 for his life's work. Today, I honor his life and ask that all Americans join me in remembering this truly great visionary who never stopped working for change.●

## CELEBRATING 100 YEARS OF HIGHER EDUCATION IN ARKANSAS

● Mrs. LINCOLN. Mr. President, tomorrow, April 1, 2009, four Arkansas universities—Arkansas State University in Jonesboro, Arkansas Tech University in Russellville, Southern Arkansas University in Magnolia, and the University of Arkansas at Monticello—will celebrate 100 years of commitment to higher education. On their centennial anniversary, I want to recognize the enormous contributions these institutions have made to Arkansas and our Nation.

In 1909, during the 37th session of the Arkansas General Assembly, Representative J.J. Bellamy of Lawrence County introduced Act 100, a bill to create four agricultural schools in Arkansas, one for each quadrant. The locations of the schools were to be chosen based upon ''the nature of the soil, healthfulness of location, general desirability, and other material inducements offered, such as the donation of buildings, land or money.'' The legislation was signed on April 1, 1909, by Governor George Donaghey.

The four agriculture schools were to teach agriculture, horticulture, and textile making. Although they were secondary schools in their early days, these schools added additional curriculum to better serve their communities and soon were offering junior college classes. In 1925, the state legislature changed the names of the schools to better reflect their new role and the unique status of each school.

The former First District Agricultural School is known today as Arkansas State University. A farm just east of Jonesboro was selected as the location for the school. With enrollment down due to World War I, the school obtained a Student Army Training Corps—SATC—on its campus. Since only junior colleges could participate in the SATC program, the school added faculty and improved its curriculum. It soon became known as the First District Agriculture and Mechanical College; the school received accreditation as a 2-year junior college and conditional status as a 4-year institution in 1925.

In 1931, the A&M College awarded its first baccalaureate degree, and in 1933, the legislature once again changed the name to Arkansas State College—ASC. In fact, Arkansas's first female U.S. Senator, Hattie Caraway, was awarded the school's first honorary doctorate in recognition of her support. The university continued to grow over the decades, and on January 17, 1967, Arkansas Governor Winthrop Rockefeller signed legislation that gave the school its present-day name, Arkansas State University—ASU.

Today, the ASU system serves approximately 18,900 students and includes campuses at Beebe, Mountain Home, and Newport. It also includes degree centers in Heber Springs and Searcy as part of ASU-Beebe; a technical center in Marked Tree; and instructional sites in Paragould and at Little Rock Air Force Base.

On the occasion of the centennial, ASU Chancellor, Robert L. Potts, offered the following thoughts:

> From our origins as an agricultural school serving the First District, we have matured into a comprehensive university offering 42 degrees through the doctoral level in 170 fields of study and ten colleges. Since 1909, we have prepared our students to meet the challenges of their lives by Powering Minds—providing a university experience that educates, enhances, and enriches. We look forward to this Centennial Celebration as a time to focus on our heritage and build upon our successes.

The former Second District Agricultural School is presently called Arkansas Tech University. The location of Russellville was chosen because the town agreed to pledge a minimum of $40,000 and a site of not less than 200 acres. In addition, it offered free electricity and water for three years. In 1925, the state legislature changed the school's name to Arkansas Polytechnic College to accurately reflect its move away from an agriculture curriculum to teacher training and the liberal fine arts.

The school was officially accredited as a junior college in 1929 and remained a 2-year college until 1951. The school continued to grow and in 1976, it officially became Arkansas Tech University. It awarded its first graduate degrees 1 year later. Today, Arkansas Tech includes approximately 7,480 students at its Russellville and Ozark campuses.

After 100 years, Arkansas Tech Chancellor, Robert C. Brown, noted:

> For the last one hundred years, Arkansas Tech University has educated students and prepared them for a successful future. Today, we are uniquely positioned to continue preparing our students for what lies ahead. Because of our commitment to educational excellence and our emphasis on teaching and learning, we are producing what the state and region need the most—college students ready to shape the future for the next one hundred years.

The Third District Agricultural School is now known as Southern Arkansas University. Local farmers in Columbia County ensured that Magnolia was chosen as the site for the school. It became officially known as Magnolia A&M in 1925 and was fully accredited in 1929 with an emphasis on agriculture and home economics.

In 1950, it became a 4-year institution and was renamed Southern State College—SSC—the following year. For 25 years, the school's enrollment and size increased, and in 1976 it was approved for university status. Renamed Southern Arkansas University, it is now a multicampus system with more than 5,000 students and locations in El Dorado and Camden.

For the 100-year celebration, Southern Arkansas University Chancellor F. David Rankin had this to say:

> As the former Third District Agricultural School, Magnolia A&M, and Southern State College, Southern Arkansas University has served its region with a Tradition of Success since 1909. Although our name has changed, our commitment to higher education has not. SAU has roots that run deep in agriculture, but it has grown into a regional, comprehensive, four-year institution with a broad curriculum and a quickly expanding graduate school. As we begin our second century of service, we invite you to be a part of history as we pay tribute to our own.

The final school created by Act 100 was the Fourth District Agricultural School. Monticello was chosen as the site thanks to the donation of land by the William Turner Wells estate. A former plantation, it included 900 fruit trees, a house, and a pond. In 1923, junior college classes were added. It formally changed its name, as the other schools did, in 1925 and became known as the Fourth District Agricultural and Mechanical College. By 1928, it was fully accredited and became a 4-year institution in 1933.

In 1935, the school began unofficially calling itself Arkansas Agricultural & Mechanical College. It remained Arkansas A&M until 1971 when Governor Dale Bumpers signed legislation merging the school with the University of Arkansas. On July 19, 1971, the University of Arkansas at Monticello—UAM was established. Although it is the smallest school in the University of Arkansas system at nearly 3,000 students, the Monticello campus owns the most land of any UA school with 1,036 acres devoted to forestry research and instruction and 300 acres for agricultural teaching and research. In 2003, UAM added campuses and now includes the College of Technology at McGehee and the College of Technology at Crossett.

University of Arkansas at Monticello Chancellor, H. Jack Lassiter, said the following for the centennial celebration:

> As we approach our 100th Anniversary, we are constantly reminded that we have always represented opportunity to generations of people seeking a higher education and a better life. That message resonates as clearly today as it did in 1909. Many of our students are the first in their families to attend college. Others are non-traditional students

who have decided to take advantage of the opportunity to change careers or complete a dream that began years ago. The university is constantly exploring and developing new opportunities to help students open doors to a better life. UAM is truly celebrating a century of opportunity.

Mr. President, what wonderful gifts to the people of Arkansas that our legislators bestowed upon us a century ago. As each university celebrates this year, I want to add my voice to the chorus of Arkansans who celebrate this milestone. We have so much of which to be proud. As we move forward in the 21st century, I know that these four institutions will continue to stand ready to prepare our citizens to compete in the global marketplace for the next century.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Zapata, 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. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis.

H.R. 479. An act to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

H.R. 756. An act to amend the Public Health Service Act with respect to pain care.

H.R. 1171. An act to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014, and for other purposes.

H.R. 1246. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1513. An act to increase, effective as of December 1, 2009, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 60. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

The message further announced that, pursuant to section 1101 of Public Law 111–5, and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the HIT Policy Committee for a term of 3 years: Mr. Paul Egerman of Weston, Massachusetts.

The message also announced that, pursuant to 46 U.S.C. 51312(b), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mrs. MCCARTHY of New York; and Mr. KING of New York.

At 3:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendments of the Senate to the bill (H.R.1388) entitled ''An Act to reauthorize and reform the national service laws''.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

H.R. 479. An act to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

H.R. 756. An act to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1171. An act to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1246. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1513. An act to increase, effective as of December 1, 2009, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 60. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## 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–1146. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinoxyfen; Pesticide Tolerances'' (FRL–8405–2) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1147. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prothioconazole; Pesticide Tolerance'' (FRL–8403–9) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1148. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus subtilis MBI 600; Exemption from the Requirement of a Tolerance'' (FRL–8408–7) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1149. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Electronic Filing of Disclosure Documents'' (RIN3038–AC67) received in the Office of the President of the Senate on March 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1150. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–1151. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–1152. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–1153. A communication from the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Digital-to-Analog Converter Box Program to Implement the DTV Delay Act'' (RIN0660–AA19) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1154. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County'' (FRL–8788–8) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC–1155. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions'' (FRL–8767–5) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC–1156. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Variance Determination for Particulate Matter from a Specific Source in the State of New Jersey'' (FRL–8775–6) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC–1157. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Captan, 2,4–D, Dodine, DCPA, Endothall, Fomesafen, Propyzamide, Ethofumesate, Permethrin, Dimethipin, and Fenarimol; Technical Amendment'' (FRL–8407–2) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC–1158. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule—Final Amendments'' (RIN2050–AG16) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC–1159. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for Battery Chargers and External Power Supplies (Standby Mode and Off Mode)'' (RIN1904–AB75) received in the Office of the President of the Senate on March 26, 2009; to the Committee on Energy and Natural Resources.

EC–1160. 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 ''Audit Technique Guide for Sections 48A and 48B; Advanced Coal and Gasification Project Credits'' (LMSB–4–0209–005) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC–1161. 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 ''Announcement and Report Concerning Advance Pricing Agreements'' (Announcement 2009–28) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC–1162. 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 ''Election and Notice Procedures for Multiemployer Plans under Sections 204 and 205 of WRERA'' (Notice 2009–31) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC–1163. 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 ''2009 Calendar Year Resident Population Estimates'' (Notice 2009–21) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC–1164. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC–1165. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Readiness and Emergency Management for Schools'', received in the Office of the President of the Senate on March 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1166. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–32'' (RIN9000–AL22) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1167. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, a report entitled ''Analysis and Proposed Copyright Fee Adjustments to Go into Effect on or about August 1, 2009''; to the Committee on the Judiciary.

EC–1168. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1169. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1170. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1171. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Posttraumatic Stress Disorder'' (RIN2900–AN04) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Special Report entitled ''Report on the Activities of the Committee on the Judiciary of the United States Senate During the 110th Congress, Pursuant to Rule XXVI of the Standing Rules of the United States Senate'' (Rept. No. 111-11).

By Mr. KERRY, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report'' (Rept. No. 111-12).

By Mr. BAUCUS, from the Committee on Finance:

Special Report entitled ''Report on the Activities of the Committee on Finance of the United States Senate During the 110th Congress, Pursuant to Rule XXVI of the Standing Rules of the United States Senate'' (Rept. No. 111-13).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 9. A resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

S. Res. 20. A resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. Res. 56. A resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009.

S. Res. 90. A resolution expressing the sense of the Senate regarding the Fifth Summit of the Americas, held in Port of Spain, Trinidad and Tobago, April 17, 18, and 19, 2009.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

By Mr. KERRY for the Committee on Foreign Relations.

*Timothy F. Geithner, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

*Richard Rahul Verma, of Maryland, to be an Assistant Secretary of State (Legislative Affairs).

*Esther Brimmer, of the District of Columbia, to be an Assistant Secretary of State (International Organization Affairs).

*Philip H. Gordon, of the District of Columbia, to be an Assistant Secretary of State (European and Eurasian Affairs).

*Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

*Karl Winfrid Eikenberry, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Nominee: Karl Winfrid Eikenberry.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Karl W. Eikenberry, None.

2. Ching Y. Eikenberry, None.

3. Children and Spouses: Jennifer Yu (Daughter), None; Lawrence D. G. Tang, None; Kelly Yu (Daughter), None; Will Fikry, None.

4. Parents: Harry Eikenberry, Deceased; Mary Eikenberry, None.

5. Grandparents: William Eikenberry, Deceased; Frieda Eikenberry, Deceased; Edward L. Aul, Deceased; Esther P. Aul, Deceased.

6. Brothers and Spouses: N/A, None.

7. Sisters and Spouses: Karen Glaubiger, None; George Glaubiger, $250, 30 Jan. 08, Elizabeth Dole Committee Inc.; $500, 21 Oct. 08, Elizabeth Dole Committee Inc.

*Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Nominee: Christopher R. Hill.

Post: Ambassador, Republic of Iraq.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: N/A.

Spouse: Patricia Whitelaw-Hill: $50, 2008 Obama Presidential Campaign.

Children and Spouses: Nathaniel Hill: N/A; Amelia Hill: N/A; Clara Hill: $25, 2008 Obama Presidential Campaign.

Parents: Deceased.

Grandparents: Deceased.

Brothers and Spouses: Jonathan Hill: N/A; Nicholas Hill: N/A.

Sisters and Spouses: Elizabeth Hill: N/A; Prudence Hill: N/A.

---

*Melanne Verveer, of the District of Columbia, to be Ambassador at Large for Women's Global Issues.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Melanne Verveer

Post: Ambassador-at-large.

Contributions, amount, date, and donee:

1. Self: see addendum.

2. Spouse: see addendum.

3. Children and Spouses: see addendum.

4. Parents: Walter and Mary Starinshak—(deceased)

5. Grandparents: Melanne & Steven Nederoski—(deceased).

6. Brothers and Spouses: Tom Starinshak—(no contributions).

7. Sisters and Spouses: N/A.

1. Self: September 30, 2008—$1000—Barack Obama; October 13, 2008—800—Barack Obama; July 31, 2008—$1000—Barack Obama; January 29, 2007—$4600—Hillary Clinton; March 2, 2005—$1020—Hillary Clinton; June 17, 2005—$1000—Hillary Clinton; September 19, 2005—$950—Hillary Clinton; September 30, 2006—$250—Judith Feder; September 25, 2007—$250—Judith Feder; October 23, 2008—$250—Judith Feder; June 23, 2006—$250—Donna Edwards; August 10, 2006—$250—Donna Edwards.

2. Spouse—Philip Verveer: July 31, 2008—$2300—Barack Obama; September 19, 2008—$500—Barack Obama; January 24, 2007—$4600—Hillary Clinton; March 2, 2005—$950—Hillary Clinton; September 27, 2005—$2000—Bob Casey; May 24, 2006—$1000—Russ Feingold; August 8, 2008—$1000—Russ Feingold; June 15, 2005—$250—Bill Nelson; September 30, 2005—$250—Bill Nelson; February 16, 2006—$1000—Bill Nelson; October 12, 2006—$500—Ben Cardin; September 25, 2007—$1000—Al Frankin; September 21, 2008—$500—Al Frankin; March 11, 2008—$500—Al Frankin; June 11, 2008—$250—Al Frankin; May 8, 2008—$500—Mark Warner; May 30, 2008—$1000—Leonard Boswell; October 15, 2008—$250—Jeanne Shaheen; November 8, 2007—$500—Jeanne Shaheen; March 14, 2005—$500—Maria Cantwell; February 16, 2005—$1000—Doris Matsui; July 22, 2008—$500—Doris Matsui; October 27, 2005—$1000—Jamie Wall; July 11, 2006—$250—Jamie Wall; March 29, 2006—$250—Jamie Wall; December 26, 2007—$1000—Tom Udall; May 30, 2008—$500—Tom Udall; September 17, 2007—$250—Tom Udall; June 16, 2008—$500—Mark Udall; September 27, 2007—$1000—Mark Udall; October 11, 2006—$250—Jon Tester; September 28, 2006—$500—Jon Tester; May 28, 2007—$250—Chris Carney; October 19, 2006—$250—Chris Carney; October 13, 2008—$250—Kay Hagan; October 29, 2008—$250—James Martin; October 11, 2006—$250—Harold Ford; October 11, 2006—$250—Claire McCaskill; October 11, 2006—$250—James Webb; October 11, 2006—$250—Sheldon Whitehouse; October 11, 2006—$250—Tammy Duckworth; September 19, 2006—$1000—John Dingell; February 15, 2005—$500—John Dingell; September 5, 2006—$1000—Sherrod Brown; December 6, 2005—$250—Sherrod Brown; September 26, 2005—$1000—Ed Markey; April 20, 2005—$500—Ed Markey; June 13, 2008—$1000—Ed Markey; April 24, 2007—$500—Jay Rockefeller; October 10, 2007—$500—Frank Lautenberg; September 22, 2006—$500—DSCC July 11, 2007—$500—Chris Van Hollen; June 1, 2007—$250—Carl Levin; March 30, 2007—$2000—DNC Service Corp; March 1, 2006—$250—Patricia Madrid; September 26, 2007—$250—Joe Sestak; March 26, 2006—$250—Paul Aronsohn; October 6, 2005—$250—Paul Aronsohn; August 27, 2006—$250—Paul Aronsohn; March 11, 2006—$250—Lois Herr; June 30, 2007—$250—Victoria Wulsin; September 21, 2008—$250—Victoria Wulsin; November 9, 2006—$500—Progressive Fund; September 20, 2007—$250—Kirsten Gillibrand; October 13, 2008—$250—Jeff Merkley.

3. Child—Elaina Verveer: February 11, 2008—$500—Hillary Clinton; March 15, 2008—20.08—Hillary Clinton; March 30, 2008—$25—Hillary Clinton; April 10, 2008—$50—Hillary Clinton; April 20, 2008—$25—Hillary Clinton; April 22, 2008—$100—Hillary Clinton; May 1, 2008—$250—Hillary Clinton; May 6, 2008—$25—Hillary Clinton; May 21, 2008—$25—Hillary Clinton; August 27, 2008—$50—Hillary Clinton;

Child—Alexandra Verveer: June 21, 2007—$1000—Hillary Clinton; September 29, 2007—$1300—Hillary Clinton; October 21, 2007—$500—Frank Lautenberg; October 30, 2006—$500—DCCC; June 29, 2008—$500—Ed Markey.

Son-in-law—Dominic Bianchi: September 5, 2008—$2300—Barack Obama; November 1, 2008—$300—Obama Victory Fund; March 20, 2007—$1000—Hillary Clinton; December 9, 2007—$1300—Hillary Clinton.

Child—Michael Verveer: March 4, 2007—$54—Russ Feingold; November 27, 2007—$80—Hillary Clinton; September 11, 2007—$2300—Hillary Clinton.

Additional political contributions of Philip L. Verveer:

Kirsten Gillibrand: $200, 10/17/06.

Heath Shuler: $200, 10/16/06.

Act Blue: $100, 10/11/06.

Act Blue: $100, 10/11/06.

Act Blue: $100, 10/11/06.

Act Blue: $200, 10/11/06.

Act Blue: $110, 10/21/06.

Jack Evans: $100, 8/6/08.

Carol Schwartz: $100, 8/5/08.

Beau Biden: $250, 9/17/06.

Deval Patrick: $250, 10/24/06.

Diane Denish: $500, 12/23/07.

Bernard Parks: $500, 3/26/08.

Bernard Parks: $100, 10/28/08.

Russ Feingold: $1,000, 2/25/09.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

---

## 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 Ms. SNOWE (for herself and Mr. NELSON of Florida):

S. 744. A bill to amend the Internal Revenue Code of 1986 to exclude from an employee's gross income any employer-provided supplemental instructional services assistance, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 745. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Nebraska (for himself and Mr. JOHANNS):

S. 746. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery in the Sarpy County region to serve veterans in eastern Nebraska, western Iowa, and northwest Missouri; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. GRAHAM):

S. 747. A bill to amend title 37, United States Code, to authorize travel and transportation allowances for members of the reserve components of the Armed Forces on leave for suspension of training; to the Committee on Armed Services.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 748. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COCHRAN (for himself, Mr. DODD, Mr. ALEXANDER, Mr. AKAKA, Mr. BINGAMAN, Mrs. MURRAY, Mr. WICKER, and Mr. CARDIN):

S. 749. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Ms. COLLINS):

S. 750. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 751. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 752. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SCHUMER (for himself and Mr. FEINGOLD):

S. 753. A bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. CORKER, and Mr. KENNEDY):

S. 754. A bill to provide for increased Federal oversight of methadone treatment; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 755. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 756. A bill to provide for prostate cancer imaging research and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. UDALL of New Mexico):

S. 757. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; 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. MENENDEZ (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. BEGICH, Mr. BURRIS, Mr. REID, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. BENNET):

S. Res. 92. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Res. 93. A bill supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. ENZI, Mrs. HAGAN, Mr. CORKER, Mr. LEVIN, Mr. WICKER, Mr. SCHUMER, Mr. INOUYE, Mr. MENENDEZ, Mr. DURBIN, Ms. STABENOW, Mr. JOHNSON, Mr. CARDIN, Mr. CARPER, Mrs. LINCOLN, Mrs. MURRAY, Mrs. GILLIBRAND, Mr. COCHRAN, and Mr. BAUCUS):

S. Res. 94. A resolution designating April 2009 as ''Financial Literacy Month''; considered and agreed to.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Res. 95. A resolution congratulating the University of Iowa men's wrestling team for winning the 2009 National Collegiate Athletic Association Division I Wrestling Championship; considered and agreed to.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Res. 96. A resolution congratulating the Morningside College women's basketball team for winning the 2009 National Association of Intercollegiate Athletics (NAIA) Division II championship; considered and agreed to.

By Mr. PRYOR:

S. Con. Res. 15. A concurrent resolution commending the 39th Infantry Brigade Combat Team of the Arkansas National Guard upon its completion of a second deployment in support of Operation Iraqi Freedom; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 245

At the request of Mr. KOHL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 372

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 372, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 435

At the request of Mr. CASEY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 456

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 496

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 496, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 540

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 543

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to

such veterans and members, and for other purposes.

S. 574

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was withdrawn as a cosponsor of S. 574, a bill to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 574, supra.

S. 599

At the request of Mr. CARPER, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 602

At the request of Mr. BROWN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 602, a bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 635

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 635, a bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System.

S. 639

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 639, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 677

At the request of Mr. ENSIGN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 677, a bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program.

S. 683

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 705

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 705, a bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

S. 717

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 723

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 723, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

S. 729

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Colorado (Mr. BENNET), the Senator from Alaska (Mr. BEGICH), the Senator from Nevada (Mr. REID), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. INOUYE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. RES. 9

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 20, supra.

S. RES. 56

At the request of Mr. LUGAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 56, a resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009.

AMENDMENT NO. 730

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 730 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 732

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Illinois (Mr. DURBIN), the Senator from

Delaware (Mr. KAUFMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 732 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 733

At the request of Mr. CRAPO, the names of the Senator from Texas (Mr. CORNYN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 733 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 734

At the request of Mr. CRAPO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 734 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 735

At the request of Mr. JOHANNS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 735 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON MARCH 30, 2009

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of S. 740 and S. 741 be printed in the RECORD.

There being no objection, the text of the bills were ordered to be placed in the RECORD, as follows:

S. 740

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXPANSION OF THE HOMEBUYER TAX CREDIT.**

(a) ELIMINATION OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (a) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''who is a first-time homebuyer of a principal residence'' and inserting ''who purchases a principal residence''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Section 36 of such Code is amended by striking ''first-time homebuyer credit'' in the heading and inserting ''home purchase credit''.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following new item:

''Sec. 36. Home purchase credit.''.

(D) Subparagraph (W) of section 26(b)(2) of such Code is amended by striking ''homebuyer credit'' and inserting ''home purchase credit''.

(b) MODIFICATION OF CREDIT AMOUNT.—Paragraph (1) of section 36(b) of the Internal Revenue Code of 1986, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking ''$8,000'' each place it appears and inserting ''$15,000'', and

(2) by striking ''$4,000'' in subparagraph (B) and inserting ''$7,500''.

(c) ELIMINATION OF INCOME LIMITATION.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this section, is amended—

(1) by striking paragraph (2),

(2) by striking ''LIMITATIONS'' in the heading and inserting ''DOLLAR LIMITATION'',

(3) by redesignating subparagraphs (A), (B), and (C) of paragraph (1) as paragraphs (1), (2), and (3), respectively, and

(4) by striking ''(1) DOLLAR LIMITATION.—''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after the date of the enactment of this Act.

S. 741

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.**

(a) SHORT TITLE.—This Act may be cited as the ''Flat Tax Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; amendment of 1986 Code.
Sec. 2. Flat tax on individual taxable earned income and business taxable income.
Sec. 3. Repeal of estate and gift taxes.
Sec. 4. Additional repeals.
Sec. 5. Effective dates.

(c) 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.

**SEC. 2. FLAT TAX ON INDIVIDUAL TAXABLE EARNED INCOME AND BUSINESS TAXABLE INCOME.**

(a) IN GENERAL.—Subchapter A of chapter 1 of subtitle A is amended to read as follows:

**''Subchapter A—Determination of Tax Liability**

''PART I. TAX ON INDIVIDUALS.
''PART II. TAX ON BUSINESS ACTIVITIES.

**''PART I—TAX ON INDIVIDUALS**

''Sec. 1. Tax imposed.
''Sec. 2. Standard deduction.
''Sec. 3. Deduction for cash charitable contributions.
''Sec. 4. Deduction for home acquisition indebtedness.
''Sec. 5. Definitions and special rules.
''Sec. 6. Dependent defined.
''Sec. 7. Inflation adjustment.

**''SEC. 1. TAX IMPOSED.**

''(a) IMPOSITION OF TAX.—There is hereby imposed on every individual a tax equal to 20 percent of the taxable earned income of such individual.

''(b) TAXABLE EARNED INCOME.—For purposes of this section, the term 'taxable earned income' means the excess (if any) of—

''(1) the earned income received or accrued during the taxable year, over

''(2) the sum of—

''(A) the standard deduction,

''(B) the deduction for cash charitable contributions, and

''(C) the deduction for home acquisition indebtedness, for such taxable year.

''(c) EARNED INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'earned income' means wages, salaries, or professional fees, and other amounts received from sources within the United States as compensation for personal services actually rendered, but does not include that part of compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered.

''(2) TAXPAYER ENGAGED IN TRADE OR BUSINESS.—In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer's share of the net profits of such trade or business, shall be considered as earned income.

**''SEC. 2. STANDARD DEDUCTION.**

''(a) IN GENERAL.—For purposes of this subtitle, the term 'standard deduction' means the sum of—

''(1) the basic standard deduction, plus

''(2) the additional standard deduction.

''(b) BASIC STANDARD DEDUCTION.—For purposes of subsection (a), the basic standard deduction is—

''(1) 200 percent of the dollar amount in effect under paragraph (3) of the taxable year in the case of—

''(A) a joint return, or

''(B) a surviving spouse (as defined in section 5(a)),

''(2) $18,750 in the case of a head of household (as defined in section 5(b)), or

''(3) $12,500 in any other case.

''(c) ADDITIONAL STANDARD DEDUCTION.—For purposes of subsection (a), the additional standard deduction is $6,250 for each dependent (as defined in section 6)—

''(1) whose earned income for the calendar year in which the taxable year of the taxpayer begins is less than the basic standard deduction specified in subsection (b)(3), or

''(2) who is a child of the taxpayer and who—

''(A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

''(B) is a student who has not attained the age of 24 at the close of such calendar year.

**''SEC. 3. DEDUCTION FOR CASH CHARITABLE CONTRIBUTIONS.**

''(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction any charitable contribution (as defined in subsection (b)) not to exceed $3,125 (50 percent of such amount in the case of a married individual filing a separate return), payment of which is made within the taxable year.

''(b) CHARITABLE CONTRIBUTION DEFINED.—For purposes of this section, the term 'charitable contribution' means a contribution or gift of cash or its equivalent to or for the use of the following:

''(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

''(2) A corporation, trust, or community chest, fund, or foundation—

''(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States,

''(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals,

''(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual, and

''(D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B). Rules similar to the rules of section 501(j) shall apply for purposes of this paragraph.

''(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

''(A) organized in the United States or any of its possessions, and

''(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

''(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

''(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term 'charitable contribution' also means an amount treated under subsection (d) as paid for the use of an organization described in paragraph (2), (3), or (4).

''(c) DISALLOWANCE OF DEDUCTION IN CERTAIN CASES AND SPECIAL RULES.—

''(1) SUBSTANTIATION REQUIREMENT FOR CERTAIN CONTRIBUTIONS.—

''(A) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any contribution of $250 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization that meets the requirements of subparagraph (B).

''(B) CONTENT OF ACKNOWLEDGMENT.—An acknowledgment meets the requirements of this subparagraph if it includes the following information:

''(i) The amount of cash contributed.

''(ii) Whether the donee organization provided any goods or services in consideration, in whole or in part, for any contribution described in clause (i).

''(iii) A description and good faith estimate of the value of any goods or services referred to in clause (ii) or, if such goods or services consist solely of intangible religious benefits, a statement to that effect.

For purposes of this subparagraph, the term 'intangible religious benefit' means any intangible religious benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context.

''(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

''(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

''(ii) the due date (including extensions) for filing such return.

''(D) SUBSTANTIATION NOT REQUIRED FOR CONTRIBUTIONS REPORTED BY THE DONEE ORGANIZATION.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, which includes the information described in subparagraph (B) with respect to the contribution.

''(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases.

''(2) DENIAL OF DEDUCTION WHERE CONTRIBUTION FOR LOBBYING ACTIVITIES.—No deduction shall be allowed under this section for a contribution to an organization which conducts activities to which section 11(d)(2)(C)(i) applies on matters of direct financial interest to the donor's trade or business, if a principal purpose of the contribution was to avoid Federal income tax by securing a deduction for such activities under this section which would be disallowed by reason of section 11(d)(2)(C) if the donor had conducted such activities directly. No deduction shall be allowed under section 11(d) for any amount for which a deduction is disallowed under the preceding sentence.

''(d) AMOUNTS PAID TO MAINTAIN CERTAIN STUDENTS AS MEMBERS OF TAXPAYER'S HOUSEHOLD.—

''(1) IN GENERAL.—Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 6, or a relative of the taxpayer) as a member of such taxpayer's household during the period that such individual is—

''(A) a member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (b) to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

''(B) a full-time pupil or student in the twelfth or any lower grade at an educational organization located in the United States which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, shall be treated as amounts paid for the use of the organization.

''(2) LIMITATIONS.—

''(A) AMOUNT.—Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed $50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

''(B) COMPENSATION OR REIMBURSEMENT.—Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in the taxpayer's household during the period described in paragraph (1).

''(3) RELATIVE DEFINED.—For purposes of paragraph (1), the term 'relative of the taxpayer' means an individual who, with respect to the taxpayer, bears any of the relationships described in subparagraphs (A) through (G) of section 6(d)(2).

''(4) NO OTHER AMOUNT ALLOWED AS DEDUCTION.—No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of the taxpayer's household under a program described in paragraph (1)(A) except as provided in this subsection.

''(e) DENIAL OF DEDUCTION FOR CERTAIN TRAVEL EXPENSES.—No deduction shall be allowed under this section for traveling expenses (including amounts expended for meals and lodging) while away from home, whether paid directly or by reimbursement, unless there is no significant element of personal pleasure, recreation, or vacation in such travel.

''(f) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—For disallowance of deductions for contributions to or for the use of Communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (50 U.S.C. 790).

''(g) TREATMENT OF CERTAIN AMOUNTS PAID TO OR FOR THE BENEFIT OF INSTITUTIONS OF HIGHER EDUCATION.—

''(1) IN GENERAL.—For purposes of this section, 80 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

''(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if—

''(A) the amount is paid by the taxpayer to or for the benefit of an educational organization—

''(i) which is described in subsection (d)(1)(B), and

''(ii) which is an institution of higher education (as defined in section 3304(f)), and

''(B) such amount would be allowable as a deduction under this section but for the fact that the taxpayer receives (directly or indirectly) as a result of paying such amount the

right to purchase tickets for seating at an athletic event in an athletic stadium of such institution.

If any portion of a payment is for the purchase of such tickets, such portion and the remaining portion (if any) of such payment shall be treated as separate amounts for purposes of this subsection.

''(h) OTHER CROSS REFERENCES.—

''(1) For treatment of certain organizations providing child care, see section 501(k).

''(2) For charitable contributions of partners, see section 702.

''(3) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 6973 of title 10, United States Code.

''(4) For treatment of gifts accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency, as gifts to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.

''(5) For treatment of gifts of money accepted by the Attorney General for credit to the 'Commissary Funds, Federal Prisons' as gifts to or for the use of the United States, see section 4043 of title 18, United States Code.

''(6) For charitable contributions to or for the use of Indian tribal governments (or subdivisions of such governments), see section 7871.

**''SEC. 4. DEDUCTION FOR HOME ACQUISITION INDEBTEDNESS.**

''(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction all qualified residence interest paid or accrued within the taxable year.

''(b) QUALIFIED RESIDENCE INTEREST DEFINED.—The term 'qualified residence interest' means any interest which is paid or accrued during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer. For purposes of the preceding sentence, the determination of whether any property is a qualified residence of the taxpayer shall be made as of the time the interest is accrued.

''(c) ACQUISITION INDEBTEDNESS.—

''(1) IN GENERAL.—The term 'acquisition indebtedness' means any indebtedness which—

''(A) is incurred in acquiring, constructing, or substantially improving any qualified residence of the taxpayer, and

''(B) is secured by such residence.

Such term also includes any indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

''(2) DOLLAR LIMITATION.—The aggregate amount treated as acquisition indebtedness for any period shall not exceed $125,000 (50 percent of such amount in the case of a married individual filing a separate return).

''(d) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE OCTOBER 13, 1987.—

''(1) IN GENERAL.—In the case of any pre-October 13, 1987, indebtedness—

''(A) such indebtedness shall be treated as acquisition indebtedness, and

''(B) the limitation of subsection (c)(2) shall not apply.

''(2) REDUCTION IN LIMITATION.—The limitation of subsection (c)(2) shall be reduced (but not below zero) by the aggregate amount of outstanding pre-October 13, 1987, indebtedness.

''(3) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—The term 'pre-October 13, 1987, indebtedness' means—

''(A) any indebtedness which was incurred on or before October 13, 1987, and which was secured by a qualified residence on October 13, 1987, and at all times thereafter before the interest is paid or accrued, or

''(B) any indebtedness which is secured by the qualified residence and was incurred after October 13, 1987, to refinance indebtedness described in subparagraph (A) (or refinanced indebtedness meeting the requirements of this subparagraph) to the extent (immediately after the refinancing) the principal amount of the indebtedness resulting from the refinancing does not exceed the principal amount of the refinanced indebtedness (immediately before the refinancing).

''(4) LIMITATION ON PERIOD OF REFINANCING.—Subparagraph (B) of paragraph (3) shall not apply to any indebtedness after—

''(A) the expiration of the term of the indebtedness described in paragraph (3)(A), or

''(B) if the principal of the indebtedness described in paragraph (3)(A) is not amortized over its term, the expiration of the term of the first refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such first refinancing).

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED RESIDENCE.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (C), the term 'qualified residence' means the principal residence of the taxpayer.

''(B) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If a married couple does not file a joint return for the taxable year—

''(i) such couple shall be treated as 1 taxpayer for purposes of subparagraph (A), and

''(ii) each individual shall be entitled to take into account ½ of the principal residence unless both individuals consent in writing to 1 individual taking into account the principal residence.

''(C) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—In the case of any pre-October 13, 1987, indebtedness, the term 'qualified residence' has the meaning given that term in section 163(h)(4), as in effect on the day before the date of enactment of this subparagraph.

''(2) SPECIAL RULE FOR COOPERATIVE HOUSING CORPORATIONS.—Any indebtedness secured by stock held by the taxpayer as a tenant-stockholder in a cooperative housing corporation shall be treated as secured by the house or apartment which the taxpayer is entitled to occupy as such a tenant-stockholder. If stock described in the preceding sentence may not be used to secure indebtedness, indebtedness shall be treated as so secured if the taxpayer establishes to the satisfaction of the Secretary that such indebtedness was incurred to acquire such stock.

''(3) UNENFORCEABLE SECURITY INTERESTS.—Indebtedness shall not fail to be treated as secured by any property solely because, under any applicable State or local homestead or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted.

''(4) SPECIAL RULES FOR ESTATES AND TRUSTS.—For purposes of determining whether any interest paid or accrued by an estate or trust is qualified residence interest, any residence held by such estate or trust shall be treated as a qualified residence of such estate or trust if such estate or trust establishes that such residence is a qualified residence of a beneficiary who has a present interest in such estate or trust or an interest in the residuary of such estate or trust.

**''SEC. 5. DEFINITIONS AND SPECIAL RULES.**

''(a) DEFINITION OF SURVIVING SPOUSE.—

''(1) IN GENERAL.—For purposes of this part, the term 'surviving spouse' means a taxpayer—

''(A) whose spouse died during either of the taxpayer's 2 taxable years immediately preceding the taxable year, and

''(B) who maintains as the taxpayer's home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent—

''(i) who (within the meaning of section 6, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B)) is a son, stepson, daughter, or stepdaughter of the taxpayer, and

''(ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

''(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part a taxpayer shall not be considered to be a surviving spouse—

''(A) if the taxpayer has remarried at any time before the close of the taxable year, or

''(B) unless, for the taxpayer's taxable year during which the taxpayer's spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

''(3) SPECIAL RULE WHERE DECEASED SPOUSE WAS IN MISSING STATUS.—If an individual was in a missing status (within the meaning of section 6013(f)(3)) as a result of service in a combat zone and if such individual remains in such status until the date referred to in subparagraph (A) or (B), then, for purposes of paragraph (1)(A), the date on which such individual dies shall be treated as the earlier of the date determined under subparagraph (A) or the date determined under subparagraph (B):

''(A) The date on which the determination is made under section 556 of title 37 of the United States Code or under section 5566 of title 5 of such Code (whichever is applicable) that such individual died while in such missing status.

''(B) Except in the case of the combat zone designated for purposes of the Vietnam conflict, the date which is 2 years after the date designated as the date of termination of combatant activities in that zone.

''(b) DEFINITION OF HEAD OF HOUSEHOLD.—

''(1) IN GENERAL.—For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of such individual's taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

''(A) maintains as such individual's home a household which constitutes for more than one-half of such taxable year the principal place of abode, as a member of such household, of—

''(i) a qualifying child of the individual (as defined in section 6(c), determined without regard to section 6(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 6(b)(2) or 6(b)(3), or both, or

''(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 2, or

''(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

''(2) DETERMINATION OF STATUS.—For purposes of this subsection—

''(A) an individual who is legally separated from such individual's spouse under a decree of divorce or of separate maintenance shall not be considered as married,

''(B) a taxpayer shall be considered as not married at the close of such taxpayer's taxable year if at any time during the taxable year such taxpayer's spouse is a nonresident alien, and

''(C) a taxpayer shall be considered as married at the close of such taxpayer's taxable year if such taxpayer's spouse (other than a spouse described in subparagraph (B)) died during the taxable year.

''(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part, a taxpayer shall not be considered to be a head of a household—

''(A) if at any time during the taxable year the taxpayer is a nonresident alien, or

''(B) by reason of an individual who would not be a dependent for the taxable year but for—

''(i) subparagraph (H) of section 6(d)(2), or

''(ii) paragraph (3) of section 6(d).

''(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual shall be treated as not married at the close of the taxable year if such individual is so treated under the provisions of section 7703(b).

**''SEC. 6. DEPENDENT DEFINED.**

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(C) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse shall not be treated as a payment by the payor spouse for the support of any dependent, and

''(B) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

''(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

''(B) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

''(3) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

''(ii) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

''(B) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this paragraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

''(i) which is executed before January 1, 1985,

''(ii) which on such date contains the provision described in subparagraph (A)(i), and

''(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

''(4) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent having custody for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(5) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(6) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is lawfully placed with the taxpayer for legal adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 3(d)(1)(B), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 3(d)(1)(B) or of a State or political subdivision of a State.

''(3) DETERMINATION OF HOUSEHOLD STATUS.—An individual shall not be treated as a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of subsections (c)(1)(D) and (d)(1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student, amounts received as scholarships for study at an educational organization described in section 3(d)(1)(B) shall not be taken into account.

''(6) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnaped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnaping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnaping, shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the child is kidnaped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 2(c), and

''(ii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 5).

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnaped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnaping, shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnaped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

**''SEC. 7. INFLATION ADJUSTMENT.**

''(a) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2010, each dollar amount contained in sections 2(b), 2(c), 3(a), and 4(c)(2) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment for the calendar year in which the taxable year begins.

''(b) COST-OF-LIVING ADJUSTMENT.—For purposes of subsection (a), the cost-of-living adjustment for any calendar year is the percentage (if any) by which—

''(1) the CPI for the preceding calendar year, exceeds

''(2) the CPI for calendar year 2009.

''(c) CPI FOR ANY CALENDAR YEAR.—For purposes of subsection (b), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such calendar year.

''(d) CONSUMER PRICE INDEX.—For purposes of subsection (c), the term 'Consumer Price Index' means the last Consumer Price Index for all-urban consumers published by the Department of Labor. For purposes of the preceding sentence, the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1986 shall be used.

''(e) ROUNDING.—If any increase determined under subsection (a) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

**''PART II—TAX ON BUSINESS ACTIVITIES**

''Sec. 11. Tax imposed on business activities.

**''SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.**

''(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity located in the United States a tax equal to 20 percent of the business taxable income of such person.

''(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

''(c) BUSINESS TAXABLE INCOME.—

''(1) IN GENERAL.—For purposes of this section, the term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

''(2) GROSS ACTIVE INCOME.—For purposes of paragraph (1), the term 'gross active income' means gross income other than investment income.

''(d) DEDUCTIONS.—

''(1) IN GENERAL.—The deductions specified in this subsection are—

''(A) the cost of business inputs for the business activity,

''(B) the compensation (including contributions to qualified retirement plans but not including other fringe benefits) paid for employees performing services in such activity, and

''(C) the cost of personal and real property used in such activity.

''(2) BUSINESS INPUTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), the term 'cost of business inputs' means—

''(i) the actual cost of goods, services, and materials, whether or not resold during the taxable year, and

''(ii) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

''(B) PURCHASES OF GOODS AND SERVICES EXCLUDED.—Such term shall not include purchases of goods and services provided to employees or owners.

''(C) CERTAIN LOBBYING AND POLITICAL EXPENDITURES EXCLUDED.—

''(i) IN GENERAL.—Such term shall not include any amount paid or incurred in connection with—

''(I) influencing legislation,

''(II) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office,

''(III) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums, or

''(IV) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official.

''(ii) EXCEPTION FOR LOCAL LEGISLATION.—In the case of any legislation of any local council or similar governing body—

''(I) clause (i)(I) shall not apply, and

''(II) such term shall include all ordinary and necessary expenses (including, but not limited to, traveling expenses described in subparagraph (A)(iii) and the cost of preparing testimony) paid or incurred during the taxable year in carrying on any trade or business—

''(aa) in direct connection with appearances before, submission of statements to, or sending communications to the committees, or individual members, of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or

''(bb) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and to such organization, and that portion of the dues so paid or incurred with respect to any organization of which the taxpayer is a member which is attributable to the expenses of the activities carried on by such organization.

''(iii) APPLICATION TO DUES OF TAX-EXEMPT ORGANIZATIONS.—Such term shall include the portion of dues or other similar amounts paid by the taxpayer to an organization which is exempt from tax under this subtitle which the organization notifies the taxpayer under section 6033(e)(1)(A)(ii) is allocable to expenditures to which clause (i) applies.

''(iv) INFLUENCING LEGISLATION.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'influencing legislation' means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

''(II) LEGISLATION.—The term 'legislation' has the meaning given that term in section 4911(e)(2).

''(v) OTHER SPECIAL RULES.—

''(I) EXCEPTION FOR CERTAIN TAXPAYERS.—In the case of any taxpayer engaged in the trade or business of conducting activities described in clause (i), clause (i) shall not apply to expenditures of the taxpayer in conducting such activities directly on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

''(II) DE MINIMIS EXCEPTION.—

''(aa) IN GENERAL.—Clause (i) shall not apply to any in-house expenditures for any taxable year if such expenditures do not exceed $2,000. In determining whether a taxpayer exceeds the $2,000 limit, there shall not be taken into account overhead costs otherwise allocable to activities described in subclauses (I) and (IV) of clause (i).

''(bb) IN-HOUSE EXPENDITURES.—For purposes of provision (aa), the term 'in-house expenditures' means expenditures described in subclauses (I) and (IV) of clause (i) other than payments by the taxpayer to a person engaged in the trade or business of conducting activities described in clause (i) for the conduct of such activities on behalf of the taxpayer, or dues or other similar amounts paid or incurred by the taxpayer which are allocable to activities described in clause (i).

''(III) EXPENSES INCURRED IN CONNECTION WITH LOBBYING AND POLITICAL ACTIVITIES.—Any amount paid or incurred for research for, or preparation, planning, or coordination of, any activity described in clause (i) shall be treated as paid or incurred in connection with such activity.

''(vi) COVERED EXECUTIVE BRANCH OFFICIAL.—For purposes of this subparagraph, the term 'covered executive branch official' means—

''(I) the President,

''(II) the Vice President,

''(III) any officer or employee of the White House Office of the Executive Office of the President, and the 2 most senior level officers of each of the other agencies in such Executive Office, and

''(IV) any individual serving in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, any other individual designated by the President as having Cabinet level status, and any immediate deputy of such an individual.

''(vii) SPECIAL RULE FOR INDIAN TRIBAL GOVERNMENTS.—For purposes of this subparagraph, an Indian tribal government shall be treated in the same manner as a local council or similar governing body.

''(viii) CROSS REFERENCE.—

''For reporting requirements and alternative taxes related to this subsection, see section 6033(e).

''(e) CARRYOVER OF EXCESS DEDUCTIONS.—

''(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the amount of the deductions specified in subsection (d) for the succeeding taxable year (determined without regard to this subsection) shall be increased by the sum of—

''(A) such excess, plus

''(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year.

''(2) 3-MONTH TREASURY RATE.—For purposes of paragraph (1), the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less.''

(b) CONFORMING REPEALS AND REDESIGNATIONS.—

(1) REPEALS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are repealed:

(A) Subchapter B (relating to computation of taxable income).

(B) Subchapter C (relating to corporate distributions and adjustments).

(C) Subchapter D (relating to deferred compensation, etc.).

(D) Subchapter G (relating to corporations used to avoid income tax on shareholders).

(E) Subchapter H (relating to banking institutions).

(F) Subchapter I (relating to natural resources).

(G) Subchapter J (relating to estates, trusts, beneficiaries, and decedents).

(H) Subchapter L (relating to insurance companies).

(I) Subchapter M (relating to regulated investment companies and real estate investment trusts).

(J) Subchapter N (relating to tax based on income from sources within or without the United States).

(K) Subchapter O (relating to gain or loss on disposition of property).

(L) Subchapter P (relating to capital gains and losses).

(M) Subchapter Q (relating to readjustment of tax between years and special limitations).

(N) Subchapter S (relating to tax treatment of S corporations and their shareholders).

(O) Subchapter T (relating to cooperatives and their patrons).

(P) Subchapter U (relating to designation and treatment of empowerment zones, enterprise communities, and rural development investment areas).

(Q) Subchapter V (relating to title 11 cases).

(R) Subchapter W (relating to District of Columbia Enterprise Zone).

(2) REDESIGNATIONS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are redesignated:

(A) Subchapter E (relating to accounting periods and methods of accounting) as subchapter B.

(B) Subchapter F (relating to exempt organizations) as subchapter C.

(C) Subchapter K (relating to partners and partnerships) as subchapter D.

**SEC. 3. REPEAL OF ESTATE AND GIFT TAXES.**

Subtitle B (relating to estate, gift, and generation-skipping taxes) and the item relating to such subtitle in the table of subtitles is repealed.

**SEC. 4. ADDITIONAL REPEALS.**

Subtitles H (relating to financing of presidential election campaigns) and J (relating to coal industry health benefits) and the items relating to such subtitles in the table of subtitles are repealed.

**SEC. 5. EFFECTIVE DATES.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act apply to taxable years beginning after December 31, 2009.

(b) REPEAL OF ESTATE AND GIFT TAXES.—The repeal made by section 3 applies to estates of decedents dying, and transfers made, after December 31, 2009.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. NELSON of Florida):

S. 744. A bill to amend the Internal Revenue Code of 1986 to exclude from an employee's gross income any employer-provided supplemental instructional services assistance, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to reintroduce legislation to increase access for our Nation's children to affordable, quality tutoring. The Affordable

Tutoring for Our Children Act would enable middle-class families to purchase supplemental instructional services on a pre-tax basis, ensuring greater utilization of critical educational tools. I would like to thank my good friend, Senator NELSON of Florida, for cosponsoring this bill.

A sound education for every American child is fundamental to the well-being and prosperity of our society, both now and in the future. Yet, as we are all acutely aware, not every child learns at the same pace, nor in the same manner, and some face unique challenges that cannot be overcome simply in a typical classroom setting. Many children require—and greatly benefit from—additional help in academics. Regrettably, our Nation's middle-class families are increasingly unable to afford this essential ancillary support for their children. Indeed, according to education market research company Eduventure, the average amount spent annually by a family on private tutoring for a student is $1,110.

Unfortunately, given the considerable and ever-increasing financial strains facing middle-class families, with more and more income going to pay for gasoline, health care, groceries, and a multitude of other expenses, tutoring is often out of reach. In fact, according to a 2007 report from Demos and the Institute on Assets & Social Policy at Brandeis University, more than half of middle-class families have no financial assets, or worse, their debts exceeds their assets.

At present, employees may set aside a portion of their earnings to establish a flexible spending account, or FSA, allowing them to pay for qualified medical or dependent care expenses free from income and payroll taxes. Our legislation would permit employees to use their dependent care FSAs to cover supplemental instructional expenses, thereby saving themselves up to 40 percent of their cost. Critically, this bill is targeted to middle-class families, those who most necessitate our assistance. Indeed, only those employees making $110,000 or less per year would be able to exclude amounts paid for these services from their taxable income. Additionally, supplemental instructional expenses would be subject to a combined $5,000 cap with other dependent care expenses.

This bill would help more middle-class children to receive extra assistance for a host of subjects ranging from English and mathematics to science, government, and foreign languages. At a time when graduates who attain a bachelor's degree earn roughly 96 percent more than high school graduates, according to the U.S. Bureau of the Census, it is vital that our Nation's children get the help they need to succeed.

With middle-class families feeling the squeeze from every angle, our legislation would provide essential relief for those parents seeking to ensure that their children have the best educational experience possible. I urge my colleagues to consider the dramatic advantage our children will gain from this crucial bill, and look forward to its passage in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 744

*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 ''Affordable Tutoring of Our Children Act''.

**SEC. 2. EXCLUSION OF EMPLOYER-PROVIDED SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE.**

(a) IN GENERAL.—Section 129 of the Internal Revenue Code of 1986 (relating to dependent care assistance programs) is amended—

(1) by inserting ''and supplemental instructional services assistance'' after ''dependent care assistance'' each place it appears (except in subsections (d)(4) and (e)(1) thereof), and

(2) by inserting ''and supplemental instructional services'' after ''dependent care services'' both places it appears in subsection (a)(2).

(b) SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE.—Section 129(e) of the Internal Revenue Code of 1986 (relating to definitions and services) is amended by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE.—

''(A) IN GENERAL.—The term 'supplemental instructional services assistance' means the payment of, or provision of, supplemental instructional services to an employee's dependent (as defined in subsection (a)(1) of section 152, determined without regard to subsection (c)(1)(C) thereof) who—

''(i) has attained the age of 5 but not the age of 19 as of the close of the calendar year in which the taxable year of the employee begins, and

''(ii) has not obtained a high school diploma or been awarded a general education degree.

''(B) SUPPLEMENTAL INSTRUCTIONAL SERVICES.—The term 'supplemental instructional services' means instructional or other academic enrichment services which are—

''(i) in addition to instruction provided during the school day,

''(ii) specifically designed to increase the academic achievement of such dependent,

''(iii) in the core academic studies of English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, social studies, and geography, and

''(iv) provided by a State certified instructor or by a State recognized or privately accredited organization.''.

(c) NO EXCLUSION FOR SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE PROVIDED TO HIGHLY COMPENSATED EMPLOYEES.—Section 129(a)(2)(A) of the Internal Revenue Code of 1986 (relating to limitation of exclusion) is amended by inserting '', except that no amount may be excluded under paragraph (1) for supplemental instructional services paid or incurred by an employee who is a highly compensated employee (within the meaning of section 414(q))'' after ''individual)''.

(d) CONFORMING AMENDMENTS.—

(1) Section 21(b)(2)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''Such term shall not include any amount paid for supplemental instructional services (as defined in section 129(e)(2)(B)).''.

(2) The second sentence of section 21(c) of such Code is amended by inserting ''of dependent care assistance'' after ''aggregate amount''.

(3) Section 6051(a)(9) of such Code is amended by inserting ''and supplemental instructional services assistance'' after ''dependent care assistance'' both places it appears.

(e) CLERICAL AMENDMENTS.—

(1) The heading for section 129 of the Internal Revenue Code of 1986 is amended by inserting ''**AND SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE**'' after ''**ASSISTANCE**''.

(2) The item relating to section 129 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting ''and supplemental instructional services assistance'' after ''assistance''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

---

By Mr. HATCH:

S. 745. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise to speak today regarding a troubling situation facing Magna Water District in Utah. Magna's drinking water is threatened by contamination from an underground plume of perchlorate which is heading towards its wells. The perchlorate is the result of decades of rocket motor production at a Department of Defense site currently operated by Hercules, ATK Launch Systems. In order to address the threat to its water system, the district plans to implement a unique water reuse and groundwater recharge project that would serve to demonstrate a bio-destruction process combining wastewater with a desalination brine stream to destroy the perchlorate. This new technology would give water districts throughout the country a more effective and more economical method of mitigating perchlorate contamination.

The district has already invested a significant amount of its own funds toward the effort, and it is now seeking a 25 percent match from the Federal Government. This funding would preserve the district's crucial water resources while finding an efficient and beneficial use of treated industrial and domestic wastewater. In addition, this funding is vital in order to provide our Nation with a better way to destroy harmful perchlorate plumes that may threaten community water supplies.

As you know, our Nation's clean water supply is a precious asset to our country. In desert places like Utah, the need for the best use of our available water is critical to preserving the limited amounts of clean water available

to us. This water reuse and groundwater recharge technology is crucial to ensure clean drinking water for the citizens of Magna. Not only would this funding benefit the Magna district, but it would provide our Nation with an inexpensive and powerful new tool to clean up contaminated water. This is an investment in our Nation that will be paid back many times over.

I urge my colleagues to lend their support to this important legislation.

---

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 748. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I join Representative SUSAN DAVIS in commemorating Cesar E. Chavez's 82nd birthday by introducing legislation to name a post office in San Diego, CA, after this extraordinary civil rights activist and union leader.

Today we join millions of people across this Nation in honoring Cesar Chavez's legacy as an educator, environmentalist, and a civil rights leader who was committed to providing fair wages, better working conditions, decent housing, and quality education for all. As an activist, Chavez worked to give a voice to the voiceless, and inspire millions of Americans to stand up and say, ''Si, Se Puede!''

As a migrant farm worker in his youth, Cesar E. Chavez learned about the struggles of farm workers including poor wages, poor medical coverage, and poor working conditions. When he returned from serving his country in the Navy during World War II, Chavez began to work to improve this situation, first by organizing for the Community Service Organization coordinating voter-registration drives and battling racial and economic discrimination.

In 1962 Cesar Chavez founded the National Farm Workers Association, later to become the United Farm Workers, the largest farm workers union in the country. Using nonviolent tactics, such as boycotts, pickets, and strikes, Chavez raised awareness about the plight of farm workers. Cesar Chavez's unflagging determination made great strides in championing the rights of farm workers, but the struggle for farm workers continues. This year, thousands of workers across California are preparing to march, and continue the fight for their rights.

Cesar Chavez's life and legacy should serve not only as an example but an inspiration to us all as we work to address the growing inequality in our nation, as well as the challenges faced by America's working families, including poverty, health care, and education.

Fifteen years ago, President Clinton awarded Cesar Chavez the Presidential Medal of Freedom, in recognition of his great contributions to our Nation. Today we remember his work not only for the U.S., but also for the communities and people of the State of California.

San Diego is a city with a rich cultural heritage, and a history of community organizing and activism that shares its roots with Cesar Chavez's lifelong struggle for justice and equality. Cesar Chavez accomplished a great deal to improve living and working conditions for all people, and I ask my colleagues to join me in supporting this bill to recognize his work and his memory.

---

By Mr. COCHRAN (for himself, Mr. DODD, Mr. ALEXANDER, Mr. AKAKA, Mr. BINGAMAN, Mrs. MURRAY, Mr. WICKER, and Mr. CARDIN):

S. 749. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today, I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined by my friend from Connecticut, Mr. DODD. The purpose of this bill is to improve geographic literacy among K–12 students in the U.S. by supporting professional development programs for their teachers that are administered in institutions of higher education and other educational institutions. This bill also assists States in measuring the impact of education in geography.

Former Secretary of State Colin Powell said, ''To solve most of the major problems facing our county today—from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS—will require every young person to learn more about other regions, cultures, and languages.'' We need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared and trained to teach these critical skills to solve these problems. The Elementary and Secondary Education Act has expressly identified geography as a core academic subject. Yet, when we review No Child Left Behind, geography education is the only subject without a dedicated source of support for educational training and innovation.

This bill prepares students to be good citizens of both our nation and the world. John Fahey, President of the National Geographic Society, stated that ''geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world.'' When students understand their own environment, they can better understand the differences in other places, and the people who live in them. Knowledge of the diverse cultures, environments, and the relationships between states and countries helps our students to understand national and international policies, economies, societies, and political structures on a more global scale.

To expect that Americans will be able to work successfully with the other people in this world, we need to be able to communicate and understand each other. We need to prepare our younger generation for global competition and ensure that they have a strong base of understanding to be able to succeed in the global marketplace.

The 2005 publication, What Works in Geography, reported that elementary school geography instruction significantly improves student achievement and proved that the integration of geography into the elementary school curriculum improves student literacy achievement an average of 5 percent. That is the good news. However, the 2006 National Geographic-Roper Global Geographic Literacy Survey shows that 69 percent of elementary school principals report a decrease in the time spent teaching geography, and less than a quarter of our nation's high school students take a geography course in high school. This survey shows that many of our high school graduates lack the basic skills needed to navigate our international economy, policies, and relationships. According to statistics from the U.S. Bureau of Economic Analysis, 30 percent of the annual U.S. GDP, that is 4.3 trillion dollars, results from international trade. According to the CIA World Factbook of 2005, U.S. workers need geographic knowledge to compete in this global economy. Geographic knowledge is increasingly needed for U.S. businesses in international markets to understand such factors as physical distance, time zones, language differences, and cultural diversity among project teams.

In addition, geospatial technology is an emerging and innovative career available to people with strong geography education. Professionals in geospatial technology are employed in Federal Government agencies, the private sector, and the non-profit sector. These professionals focus on areas such as agriculture, archeology, ecology, land appraisal, and urban planning and development. According to the National Geospatial Intelligence Agency, the information gathering necessary to protect critical infrastructure has resulted in an enormous increase in the demand for geospatial skills and jobs. A strong geography education system is a necessity for this industry's continued advancement. The U.S. Department of Labor has identified geospatial technologies as one of the most important high-growth industries, with the market growing at an annual rate of 35 percent. These are high-tech, high-wage jobs in which America can and must compete.

It has been both the private and nonprofit sectors working to ensure that the critical skills and knowledge provided by geography education are provided to our schools. Over the last 20 years, the National Geographic Society has awarded more than $100 million in grants to educators, universities, State geographic alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful, and research shows that students who have benefitted from this teaching out-perform other students. In all 50 States, the District of Columbia and Puerto Rico, there are state geographic alliances and partnerships between higher education and K–12 school systems. Thirty States, including Mississippi and the District of Columbia, are endowed by grants from the National Geographic Society. But these efforts alone are not enough. The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focuses on geography education research, and develops reliable, advanced technology-based classroom resources. A 5 year, $15,000,000 grant program would be created under the bill to achieve these objectives.

In my State of Mississippi, teachers and university professors are making progress to increase geography education in the schools through additional professional training. To date, there are 555 members of the Mississippi Geographic Alliance who teach geography. Last year, the Mississippi Geographic Alliance conducted a statewide workshop titled Introductory World Geography to help prepare teachers to meet the State's new graduation requirement in geography. The Alliance conducted two, week-long residential summer institutes that provided grade-specific geography content and teaching strategies; provided a field-based local Mississippi geography workshop; and conducted two workshops that introduce pre-service teachers to the scope of modern geography and effective geography teaching strategies.

I hope the Senate will consider the serious need to invest in geography, and I invite other Senators to cosponsor the Teaching Geography is Fundamental Act.

---

By Mrs. BOXER (for herself and Ms. COLLINS):

S. 750. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, the need for health care reform is undeniable and we must undertake comprehensive efforts to provide quality care for our Nation's diverse populations, particularly older Americans. Our aging population is expected to almost double in number, from 37 million people today to about 72 million by 2030. If we fail to prepare, our Nation will face a crisis in providing care to these older Americans. We must start now if we are going to adequately train the health care workforce to meet the needs of an aging America.

Health care providers with the necessary training to give older Americans the best care are in critically short supply. In its landmark report, Retooling for an Aging America, the Institute of Medicine concluded that action must be taken immediately to address the severe workforce shortages in the care of older adults.

According to the Institute of Medicine, only about 7,100 U.S. physicians are certified geriatricians today; 36,000 are needed by 2030. Just 4 percent of social workers and only 3 percent of advance practice nurses specialize in geriatrics. Recruitment and retention of direct care workers is also a looming crisis due to low wages and few benefits, lack of career advancement, and inadequate training.

Preparing our workforce for the job of caring for older Americans is an essential part of ensuring the future health of our nation. Right now, there is a critical shortage of health care providers with the necessary training and skills to provide our seniors with the best possible care. This is a tremendously important issue for American families who are concerned about quality of care and quality of life for their older relatives and friends.

It is clear that there is a need for federal action to address these issues, and that is why Senator COLLINS and I are introducing the Caring for an Aging America Act. This legislation would help attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans by providing them with meaningful loan forgiveness and career advancement opportunities.

Specifically, for health professionals who complete specialty training in geriatrics or gerontology—including physicians, physician assistants, advance practice nurses, social workers, pharmacists and psychologists—the legislation would link educational loan repayment to a service commitment to the aging population, modeled after the successful National Health Services Corps. The bill would also expand loan repayment for registered nurses who complete specialty training in geriatric care and who choose to work in long-term care settings, and expand career advancement opportunities for direct care workers by offering specialty training in long-term care services. Lastly, the legislation would establish a health and long-term care workforce advisory panel for an aging America.

In addition, I was pleased to work with the Alzheimer's Association and the American Geriatrics Society to ensure that this legislation will also help provide a workforce to meet the needs of older Americans with dementia, Alzheimer's and other cognitive disorders.

Ensuring we have a well-trained health care workforce with the skills to care for our aging population is a critical investment in America's future. This legislation offers a modest but important step toward creating the future health care workforce that our Nation so urgently needs.

I look forward to working with Senator COLLINS and our colleagues to ensure that we meet our obligations to the seniors of our Nation to improve their care.

---

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 751. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

Mr. DURBIN. Mr. President, we are facing the worst economic crisis since the great depression. Health care costs are exploding. Our education system is in desperate need of reform. All while we continue to fight two wars on the other side of the globe.

At a time like this, our Nation's leaders need to be singularly focused on the challenges at hand. Yet as Senators and Congressmen we find ourselves spending more and more of our time raising money for our own re-elections. That means we spend less and less time focusing on our Nation's policy challenges.

In the last three election cycles, Senate candidates spent nearly $1.3 billion on their races. This is simply unsustainable.

Unless you have enough personal wealth to pay for a campaign by yourself, you have little choice but to spend an enormous amount of your time dialing for dollars to keep up with your competitors. If you do not attend the nightly fundraisers and hit the phones during power hours, your campaign message will be drowned out by your opponent's advertising by Election Day. You will stand little chance of being chosen to continue to work on the challenges you came to Washington to solve.

Worse, the system we currently use to finance Federal campaigns makes candidates far too reliant on the ability of wealthy donors to help raise the mountains of money necessary to compete.

The result is a public who rightly questions whether those that win elections in this system are serving ALL of their constituents and not just their wealthy donors.

We need to finance Federal campaigns differently. There has never been a more critical time for change.

That is why today I am reintroducing the bipartisan Fair Elections Now Act with my friend Senator SPECTER. I am pleased that Congressman LARSON is introducing the companion legislation

in the House with Republican Congressmen TODD PLATTS of Pennsylvania and WALTER JONES of North Carolina.

The Fair Elections Now Act would help restore public confidence in the Congressional election process by providing qualified candidates for Congress with grants, matching funds, and vouchers from the Fair Elections Fund to replace campaign fundraising that largely relies on lobbyists and other special interests. In return, participating candidates would agree to limit their campaign spending to the amounts raised from small-dollar donors plus the amounts provided from the Fund.

Fair Elections for the Senate would have three stages.

To participate, candidates would first need to prove their viability by raising a minimum number and amount of small-dollar qualifying contributions from in-state donors. Once a candidate qualifies, that candidate must limit the amount raised from each donor to $100 per election.

For the primary, participants would receive a base grant that would vary in amount based on the population of the state that the candidate seeks to represent. Participants would also receive a 4-to-1 match for small-dollar donations up to a defined matching cap. The candidate could raise an unlimited amount of $100 contributions if needed to compete against high-spending opponents.

For the general election, qualified candidates would receive an additional grant, further small-dollar matching, and vouchers for purchasing television advertising. The candidate could continue to raise an unlimited amount of $100 contributions if needed.

Under our plan, candidates will no longer be in the fundraising business. Instead, candidates will be in the constituent business, regardless of whether those constituents have the wealth to attend a fundraiser or to donate more than $100 per election. Candidates will be in the policy business, regardless of what policies are preferred by wealthy donors.

This is no naïve theory. It is a system that is already at work. Very similar programs exist in Maine, Arizona, and elsewhere. These programs are bringing new faces and ideas into politics and making more races more competitive. Most importantly, candidates spend more time with constituents and in policy debates and less time with wealthy donors.

I know that some will say that the answer to this problem of time constraints is simply to remove individual contribution limits, so that with a few phone calls to billionaire donors candidates can raise all of the money that they need. I completely disagree. The answer is not to further concentrate influence in the hands of a smaller and smaller group of donors, but rather to remove that source of influence altogether. That is the only way to rebuild the trust of the American people.

Let me be clear: I honestly believe that the overwhelming majority of the people serving in American politics are good, honest people, and I believe that Senators and Congressmen are guided by the best of intentions. But we are nonetheless stuck in a terrible, corrupting system. The perception is that politicians are corrupted by the big money interests . . . and whether that is true or not, that perception and the loss of trust that goes with it makes it incredibly difficult for the Senate to take on tough challenges and have the American public believe that what we are doing is right.

I believe that this problem is fundamental to our democracy, and we must address it. Overwhelming numbers of Americans agree. Recent polling shows that 69 percent of Democrats, 72 percent Republicans, and 60 percent of independents supported a general description of this proposal. The Fair Elections Now Act is supported by several good Government groups, former members of Congress, business leaders, and even lobbyists.

Our Nation's leaders need to be completely focused on getting America back on track. The Fair Elections Now Act will help.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 751

*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 ''Fair Elections Revenue Act of 2009''.

**SEC. 2. FAIR ELECTIONS FUND REVENUE.**

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

**''CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS**

''Sec. 4501. Imposition of tax.

**''SEC. 4501. IMPOSITION OF TAX.**

''(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a qualified contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

''(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed $500,000.

''(c) QUALIFIED PERSON.—For purposes of this section, the term 'qualified person' means any person which—

''(1) is not a State or local government or a foreign nation, and

''(2) has contracts with the Government of the United States with a value in excess of $10,000,000.

''(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

''(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.''.

(b) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

''CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

---

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 752. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 752

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Fair Elections Now Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.
Sec. 102. Eligibility requirements and benefits of Fair Elections financing of Senate election campaigns.

''TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

''Subtitle A—General Provisions

''Sec. 501. Definitions.
''Sec. 502. Fair Elections Fund.

''Subtitle B—Eligibility and Certification

''Sec. 511. Eligibility.
''Sec. 512. Qualifying contribution requirement.
''Sec. 513. Contribution and expenditure requirements.
''Sec. 514. Debate requirement.
''Sec. 515. Certification.

''Subtitle C—Benefits

''Sec. 521. Benefits for participating candidates.
''Sec. 522. Allocations from the Fund.
''Sec. 523. Matching payments for qualified small dollar contributions.
''Sec. 524. Political advertising vouchers.

''Subtitle D—Administrative Provisions

''Sec. 531. Fair Elections Oversight Board.
''Sec. 532. Administration provisions.
''Sec. 533. Violations and penalties.

Sec. 103. Prohibition on joint fundraising committees.
Sec. 104. Limitation on coordinated expenditures by political party committees with participating candidates.

TITLE II—IMPROVING VOTER INFORMATION

Sec. 201. Broadcasts relating to all Senate candidates.
Sec. 202. Broadcast rates for participating candidates.
Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

Sec. 301. Petition for certiorari.

Sec. 302. Filing by Senate candidates with Commission.
Sec. 303. Electronic filing of FEC reports.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Severability.
Sec. 402. Effective date.

## TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

### Subtitle A—Fair Elections Financing Program

**SEC. 101. FINDINGS AND DECLARATIONS.**

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a culture that fosters actual or perceived conflicts of interest by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or appearing to diminish Senators' accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) undermining the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory distortions caused by unequal access to lawmakers for campaign contributors;

(5) making it difficult for some qualified candidates to mount competitive Senate election campaigns;

(6) disadvantaging challengers and discouraging competitive elections, because large campaign contributors tend to donate their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of large private campaign contributions with allocations from the Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) reducing the actual or perceived conflicts of interest created by fully private financing of the election campaigns of public officials and restoring public confidence in the integrity and fairness of the electoral and legislative processes through a program which allows participating candidates to adhere to substantially lower contribution limits for contributors with an assurance that there will be sufficient funds for such candidates to run viable electoral campaigns;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them, which derives from the program's qualifying criteria to participate in the voluntary program and the conclusions that constituents may draw regarding candidates who qualify and participate in the program;

(3) helping to reduce the ability to make large campaign contributions as a determinant of a citizen's influence within the political process by facilitating the expression of support by voters at every level of wealth, encouraging political participation, and incentivizing participation on the part of Senators through the matching of small dollar contributions;

(4) potentially saving taxpayers billions of dollars that may be (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating genuine opportunities for all Americans to run for the Senate and encouraging more competitive elections;

(6) encouraging participation in the electoral process by citizens of every level of wealth; and

(7) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

**SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.**

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

## "TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

### "Subtitle A—General Provisions

**"SEC. 501. DEFINITIONS.**

''In this title:

''(1) ALLOCATION FROM THE FUND.—The term 'allocation from the Fund' means an allocation of money from the Fair Elections Fund to a participating candidate pursuant to section 522.

''(2) BOARD.—The term 'Board' means the Fair Elections Oversight Board established under section 531.

''(3) FAIR ELECTIONS QUALIFYING PERIOD.—The term 'Fair Elections qualifying period' means, with respect to any candidate for Senator, the period—

''(A) beginning on the date on which the candidate files a statement of intent under section 511(a)(1); and

''(B) ending on the date that is 30 days before—

''(i) the date of the primary election; or

''(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(4) FAIR ELECTIONS START DATE.—The term 'Fair Elections start date' means, with respect to any candidate, the date that is 180 days before—

''(A) the date of the primary election; or

''(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(5) FUND.—The term 'Fund' means the Fair Elections Fund established by section 502.

''(6) IMMEDIATE FAMILY.—The term 'immediate family' means, with respect to any candidate—

''(A) the candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(7) MATCHING CONTRIBUTION.—The term 'matching contribution' means a matching payment provided to a participating candidate for qualified small dollar contributions, as provided under section 523.

''(8) NONPARTICIPATING CANDIDATE.—The term 'nonparticipating candidate' means a candidate for Senator who is not a participating candidate.

''(9) PARTICIPATING CANDIDATE.—The term 'participating candidate' means a candidate for Senator who is certified under section 515 as being eligible to receive an allocation from the Fund.

''(10) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means, with respect to a candidate, a contribution that—

''(A) is in an amount that is—

''(i) not less than the greater of $5 or the amount determined by the Commission under section 531; and

''(ii) not more than the greater of $100 or the amount determined by the Commission under section 531.

''(B) is made by an individual—

''(i) who is a resident of the State in which such Candidate is seeking election; and

''(ii) who is not otherwise prohibited from making a contribution under this Act;

''(C) is made during the Fair Elections qualifying period; and

''(D) meets the requirements of section 512(b).

''(11) QUALIFIED SMALL DOLLAR CONTRIBUTION.—The term 'qualified small dollar contribution' means, with respect to a candidate, any contribution (or series of contributions)—

''(A) which is not a qualifying contribution (or does not include a qualifying contribution);

''(B) which is made by an individual who is not prohibited from making a contribution under this Act; and

''(C) the aggregate amount of which does not exceed the greater of—

''(i) $100 per election; or

''(ii) the amount per election determined by the Commission under section 531.

**"SEC. 502. FAIR ELECTIONS FUND.**

''(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Fair Elections Fund'.

''(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:

''(1) APPROPRIATED AMOUNTS.—

''(A) IN GENERAL.—Amounts appropriated to the Fund.

''(B) SENSE OF THE SENATE REGARDING APPROPRIATIONS.—It is the sense of the Senate that—

''(i) there should be imposed on any payment made to any person (other than a State or local government or a foreign nation) who has contracts with the Government of the United States in excess of $10,000,000 a tax equal to 0.50 percent of amount paid pursuant to such contracts, except that the aggregate tax for any person for any taxable year shall not exceed $500,000; and

''(ii) the revenue from such tax should be appropriated to the Fund.

''(2) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the Fund.

''(3) OTHER DEPOSITS.—Amounts deposited into the Fund under—

''(A) section 513(c) (relating to exceptions to contribution requirements);

''(B) section 521(c) (relating to remittance of allocations from the Fund);

''(C) section 533 (relating to violations); and

''(D) any other section of this Act.

''(4) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

''(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

''(d) USE OF FUND.—

''(1) IN GENERAL.—The sums in the Fund shall be used to provide benefits to participating candidates as provided in subtitle C.

''(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

### "Subtitle B—Eligibility and Certification

**"SEC. 511. ELIGIBILITY.**

''(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the

Fund for any election if the candidate meets the following requirements:

''(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the Fair Elections start date and ending on the last day of the Fair Elections qualifying period.

''(2) The candidate meets the qualifying contribution requirements of section 512.

''(3) Not later than the last day of the Fair Elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

''(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 513;

''(B) if certified, will comply with the debate requirements of section 514;

''(C) if certified, will not run as a nonparticipating candidate during such year in any election for the office that such candidate is seeking; and

''(D) has either qualified or will take steps to qualify under State law to be on the ballot.

''(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general runoff election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate otherwise qualified to be on the ballot under State law.

**''SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

''(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the Fair Elections qualifying period, the candidate obtains—

''(1) a number of qualifying contributions equal to the greater of—

''(A) the sum of—

''(i) 2,000; plus

''(ii) 500 for each congressional district in the State with respect to which the candidate is seeking election; or

''(B) the amount determined by the Commission under section 531; and

''(2) a total dollar amount of qualifying contributions equal to the greater of—

''(A) 10 percent of the amount of the allocation such candidate would be entitled to receive for the primary election under section 522(c)(1) (determined without regard to paragraph (5) thereof) if such candidate were a participating candidate; or

''(B) the amount determined by the Commission under section 531.

''(b) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

''(1) may be made by means of a personal check, money order, debit card, credit card, or electronic payment account;

''(2) shall be accompanied by a signed statement containing—

''(A) the contributor's name and the contributor's address in the State in which the contributor is registered to vote;

''(B) an oath declaring that the contributor—

''(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

''(ii) is making the contribution in his or her own name and from his or her own funds;

''(iii) has made the contribution willingly; and

''(iv) has not received any thing of value in return for the contribution; and

''(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election; and

''(c) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

**''SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.**

''(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

''(1) except as provided in subsection (b), accepts no contributions other than—

''(A) qualifying contributions;

''(B) qualified small dollar contributions;

''(C) allocations from the Fund under section 522;

''(D) matching contributions under section 523; and

''(E) vouchers provided to the candidate under section 524;

''(2) makes no expenditures from any amounts other than from—

''(A) qualifying contributions;

''(B) qualified small dollar contributions;

''(C) allocations from the Fund under section 522;

''(D) matching contributions under section 523; and

''(E) vouchers provided to the candidate under section 524; and

''(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through qualified small dollar contributions and qualifying contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

''(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—

''(1) the aggregate contributions from such person for any calendar year do not exceed $100; and

''(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

''(c) EXCEPTION.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions that are not qualified small dollar contributions, qualifying contributions, or contributions that meet the requirements of subsection (b) and that are accepted before the date the candidate files a statement of intent under section 511(a)(1) are—

''(1) returned to the contributor; or

''(2) submitted to the Commission for deposit in the Fund.

**''SEC. 514. DEBATE REQUIREMENT.**

''A candidate for Senator meets the requirements of this section if the candidate participates in at least—

''(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

''(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

**''SEC. 515. CERTIFICATION.**

''(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 511(a)(3), the Commission shall—

''(1) certify whether or not the candidate is a participating candidate; and

''(2) notify the candidate of the Commission's determination.

''(b) REVOCATION OF CERTIFICATION.—

''(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

''(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

''(B) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

''(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

**''Subtitle C—Benefits**

**''SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

''(a) IN GENERAL.—For each election with respect to which a candidate is certified as a participating candidate, such candidate shall be entitled to—

''(1) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 522;

''(2) matching contributions, as provided in section 523; and

''(3) for the general election, vouchers for broadcasts of political advertisements, as provided in section 524.

''(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 522 and matching contributions under section 523 may only be used for campaign-related costs.

''(c) REMITTING ALLOCATIONS FROM THE FUND.—

''(1) IN GENERAL.—Not later than the date that is 45 days after an election in which the participating candidate appeared on the ballot, such participating candidate shall remit to the Commission for deposit in the Fund an amount equal to the lesser of—

''(A) the amount of money in the candidate's campaign account; or

''(B) the sum of the allocations from the Fund received by the candidate under section 522 and the matching contributions received by the candidate under section 523.

''(2) EXCEPTION.—In the case of a candidate who qualifies to be on the ballot for a primary runoff election, a general election, or a general runoff election, the amounts described in paragraph (1) may be retained by the candidate and used in such subsequent election.

**''SEC. 522. ALLOCATIONS FROM THE FUND.**

''(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 521(a)(1) to a participating candidate—

''(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 515;

''(2) in the case of a general election, not later than 48 hours after—

''(A) the date of the certification of the results of the primary election or the primary runoff election; or

''(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

''(3) in the case of a primary runoff election or a general runoff election, not later

than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

''(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

''(c) AMOUNTS.—

''(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

''(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

''(3) GENERAL ELECTION ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

''(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

''(5) UNCONTESTED ELECTIONS.—

''(A) IN GENERAL.—In the case of a primary or general election that is an uncontested election, the Commission shall make an allocation from the Fund to a participating candidate for such election in an amount equal to 25 percent of the allocation which such candidate would be entitled to under this section for such election if this paragraph did not apply.

''(B) UNCONTESTED ELECTION DEFINED.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has campaign funds (including payments from the Fund) in an amount equal to or greater than 10 percent of the allocation a participating candidate would be entitled to receive under this section for such election if this paragraph did not apply.

''(d) BASE AMOUNT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the greater of—

''(A) the sum of—

''(i) $750,000; plus

''(ii) $150,000 for each congressional district in the State with respect to which the candidate is seeking election; or

''(B) the amount determined by the Commission under section 531.

''(2) INDEXING.—In each odd-numbered year after 2012—

''(A) each dollar amount under paragraph (1)(A) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2011;

''(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

''(C) if any amount after adjustment under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

**''SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.**

''(a) IN GENERAL.—The Commission shall pay to each participating candidate an amount equal to 400 percent of the amount of qualified small dollar contributions received by the candidate from individuals who are residents of the State in which such participating candidate is seeking election after the date on which such candidate is certified under section 515.

''(b) LIMITATION.—The aggregate payments under subsection (a) with respect to any candidate shall not exceed the greater of—

''(1) 200 percent of the allocation such candidate is entitled to receive for such election under section 522 (determined without regard to subsection (c)(5) thereof); or

''(2) the percentage of such allocation determined by the Commission under section 531.

''(c) TIME OF PAYMENT.—The Commission shall make payments under this section not later than 2 business days after the receipt of a report made under subsection (d).

''(d) REPORTS.—

''(1) IN GENERAL.—Each participating candidate shall file reports of receipts of qualified small dollar contributions at such times and in such manner as the Commission may by regulations prescribe.

''(2) CONTENTS OF REPORTS.—Each report under this subsection shall disclose—

''(A) the amount of each qualified small dollar contribution received by the candidate;

''(B) the amount of each qualified small dollar contribution received by the candidate from a resident of the State in which the candidate is seeking election; and

''(C) the name, address, and occupation of each individual who made a qualified small dollar contribution to the candidate.

''(3) FREQUENCY OF REPORTS.—Reports under this subsection shall be made no more frequently than—

''(A) once every month until the date that is 90 days before the date of the election;

''(B) once every week after the period described in subparagraph (A) and until the date that is 21 days before the election; and

''(C) once every day after the period described in subparagraph (B).

''(4) LIMITATION ON REGULATIONS.—The Commission may not prescribe any regulations with respect to reporting under this subsection with respect to any election after the date that is 180 days before the date of such election.

''(e) APPEALS.—The Commission shall provide a written explanation with respect to any denial of any payment under this section and shall provide the opportunity for review and reconsideration within 5 business days of such denial.

**''SEC. 524. POLITICAL ADVERTISING VOUCHERS.**

''(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

''(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to participants certified pursuant to section 515 who have agreed in writing to keep and furnish to the Commission such records, books, and other information as it may require.

''(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to the greater of—

''(1) $100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office; or

''(2) the amount determined by the Commission under section 531.

''(d) USE.—

''(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

''(A) a candidate may exchange vouchers with a political party under paragraph (2); and

''(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising (as defined by the Commission in regulations), to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d).

''(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

''(A) IN GENERAL.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

''(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b) or otherwise modify that agreement or its application to that candidate.

''(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

''(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

''(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

''(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

''(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304;

''(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of title III of this Act; and

''(iii) the amount, if identified as a 'voucher exchange' shall not be considered a contribution for the purposes of sections 315 and 513.

''(e) VALUE; ACCEPTANCE; REDEMPTION.—

''(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose

to ensure the accuracy and integrity of the voucher redemption system.

''(4) EXPIRATION.—

''(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

''(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

''(5) VOUCHER AS EXPENDITURE UNDER FECA.—The use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A).

''(f) DEFINITIONS.—In this section:

''(1) BROADCASTING STATION.—The term 'broadcasting station' has the meaning given that term by section 315(f)(1) of the Communications Act of 1934.

''(2) POLITICAL PARTY.—The term 'political party' means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002(3) or (4)).

**"Subtitle D—Administrative Provisions**

**"SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.**

''(a) ESTABLISHMENT.—There is established within the Federal Election Commission an entity to be known as the 'Fair Elections Oversight Board'.

''(b) STRUCTURE AND MEMBERSHIP.—

''(1) IN GENERAL.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom—

''(A) 2 shall be appointed after consultation with the Majority Leader of the Senate;

''(B) 2 shall be appointed after consultation with the Minority Leader of the Senate; and

''(C) 1 shall be appointed upon the recommendation of the members appointed under subparagraphs (A) and (B).

''(2) QUALIFICATIONS.—

''(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

''(B) PROHIBITION.—No member of the Board may be—

''(i) an employee of the Federal government;

''(ii) a registered lobbyist; or

''(iii) an officer or employee of a political party or political campaign.

''(3) DATE.—Members of the Board shall be appointed not later than 60 days after the date of the enactment of this Act.

''(4) TERMS.—A member of the Board shall be appointed for a term of 5 years.

''(5) VACANCIES.—A vacancy on the Board shall be filled not later than 30 calendar days after the date on which the Board is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

''(6) CHAIRPERSON.—The Board shall designate a Chairperson from among the members of the Board.

''(c) DUTIES AND POWERS.—

''(1) ADMINISTRATION.—

''(A) IN GENERAL.—The Board shall have such duties and powers as the Commission may prescribe, including the power to administer the provisions of this title.

''(2) REVIEW OF FAIR ELECTIONS FINANCING.—

''(A) IN GENERAL.—After each general election for Federal office, the Board shall conduct a comprehensive review of the Fair Elections financing program under this title, including—

''(i) the maximum dollar amount of qualified small dollar contributions under section 501(11);

''(ii) the maximum and minimum dollar amounts for qualifying contributions under section 501(10);

''(iii) the number and value of qualifying contributions a candidate is required to obtain under section 512 to qualify for allocations from the Fund;

''(iv) the amount of allocations from the Fund that candidates may receive under section 522;

''(v) the maximum amount of matching contributions a candidate may receive under section 523;

''(vi) the amount and usage of vouchers under section 524;

''(vii) the overall satisfaction of participating candidates and the American public with the program; and

''(viii) such other matters relating to financing of Senate campaigns as the Board determines are appropriate.

''(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Board shall consider the following:

''(i) QUALIFYING CONTRIBUTIONS AND QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—The Board shall consider whether the number and dollar amount of qualifying contributions required and maximum dollar amount for such qualifying contributions and qualified small dollar contributions strikes a balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Board determines is appropriate.

''(ii) REVIEW OF PROGRAM BENEFITS.—The Board shall consider whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualifying contributions and small dollar contributions), allocations from the Fund under sections 522, matching contributions under section 523, and vouchers under section 524 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Board determines is appropriate.

''(C) ADJUSTMENT OF AMOUNTS.—

''(i) IN GENERAL.—Based on the review conducted under subparagraph (A), the Board shall provide for the adjustments of the following amounts:

''(I) the maximum dollar amount of qualified small dollar contributions under section 501(11)(C);

''(II) the maximum and minimum dollar amounts for qualifying contributions under section 501(10)(A);

''(III) the number and value of qualifying contributions a candidate is required to obtain under section 512(a)(1);

''(IV) the base amount for candidates under section 522(d);

''(V) the maximum amount of matching contributions a candidate may receive under section 523(b); and

''(VI) the dollar amount for vouchers under section 524(c).

''(ii) REGULATIONS.—The Commission shall promulgate regulations providing for the adjustments made by the Board under clause (i).

''(D) REPORT.—Not later than March 30 following any general election for Federal office, the Board shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Board based on such review.

''(d) MEETINGS AND HEARINGS.—

''(1) MEETINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

''(2) QUORUM.—Three members of the Board shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

''(e) REPORTS.—Not later than March 30, 2011, and every 2 years thereafter, the Board shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

''(f) ADMINISTRATION.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) PERSONNEL.—

''(A) DIRECTOR.—The Board shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

''(B) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Board determines to be appropriate.

''(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Board to assist in carrying out the duties of the Board. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(E) OTHER RESOURCES.—The Board shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Board shall make requests for such access in writing when necessary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

**"SEC. 532. ADMINISTRATION PROVISIONS.**

''The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

''(1) to establish procedures for—

''(A) verifying the amount of valid qualifying contributions with respect to a candidate;

''(B) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

''(C) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

''(D) monitoring the use of allocations from the Fund and matching contributions under this title through audits or other mechanisms; and

''(E) the administration of the voucher program under section 524; and

''(2) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections.

**''SEC. 533. VIOLATIONS AND PENALTIES.**

''(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 515(a) accepts a contribution or makes an expenditure that is prohibited under section 513, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Fund.

''(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

''(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

''(A) the amount of benefits so used or not remitted, as appropriate; and

''(B) interest on any such amounts (at a rate determined by the Commission).

''(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.''.

**SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMITTEES.**

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

''(6) No authorized committee of a participating candidate (as defined in section 501) may establish a joint fundraising committee with a political committee other than an authorized committee of a candidate.''.

**SEC. 104. LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.**

(a) IN GENERAL.—Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1), the following new subparagraph:

''(A) in the case of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), the lesser of—

''(i) 10 percent of the allocation from the Fair Elections Fund that the participating candidate is eligible to receive for the general election under section 522(c); or

''(ii) the amount which would (but for this subparagraph) apply with respect to such candidate under subparagraph (B);''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 315(d)(3) of such Act, as redesignated by subsection (a), is amended by inserting ''who is not a participating candidate (as so defined)'' after ''office of Senator''.

## TITLE II—IMPROVING VOTER INFORMATION

**SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.**

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ''to such office'' in paragraph (1) and inserting ''to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,''; and

(2) by inserting ''for pre-emptible use thereof'' after ''station'' in subparagraph (A) of paragraph (1).

(b) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

''(e) AUDITS.—During the 30-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.''.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee''.

(d) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking ''the'' in subsection (f)(1), as redesignated by subsection (b)(1), and inserting ''BROADCASTING STATION.—'';

(2) by striking ''the'' in subsection (f)(2), as redesignated by subsection (b)(1), and inserting ''LICENSEE; STATION LICENSEE.—''; and

(3) by inserting ''REGULATIONS.—'' in subsection (g), as redesignated by subsection (b)(1), before ''The Commission''.

**SEC. 202. BROADCAST RATES FOR PARTICIPATING CANDIDATES.**

Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(9) of the Federal Election Campaign Act of 1971), the charges made for the use of any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

''(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

''(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

''(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

''(A) the rate charged under this subsection; and

''(B) the method that the licensee uses to determine the rate charged under this subsection.''.

**SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report to the Commission and to the Federal Election Commission, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

## TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

**SEC. 301. PETITION FOR CERTIORARI.**

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

**SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.**

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

**SEC. 303. ELECTRONIC FILING OF FEC REPORTS.**

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking ''under this Act—'' and all that follows and inserting ''under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.'';

(2) in subparagraph (B), by striking ''48 hours'' and all that follows through ''filed electronically)'' and inserting ''24 hours''; and

(3) by striking subparagraph (D).

**TITLE IV—MISCELLANEOUS PROVISIONS**

**SEC. 401. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

**SEC. 402. EFFECTIVE DATE.**

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2011.

---

By Mr. ROCKEFELLER (for himself, Mr. CORKER, and Mr. KENNEDY):

S. 754. A bill to provide for increased Federal oversight of methadone treatment; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues, Senator CORKER and Senator KENNEDY, to introduce the Methadone Treatment and Protection Act, legislation that provides a comprehensive solution to our country's growing problem of methadone-related deaths. In recent years, too many families have come to me with heartbreaking stories of mothers and fathers, sisters and brothers who have been seriously injured or who have died as a result of methadone. My State of West Virginia has been particularly hard-hit by the number of lives lost, with just seven methadone-related deaths in 1999 compared to approximately 120 deaths in 2005. In the face of such stark realities, we can no longer stand by and remain content with the status quo. Now is the time for a comprehensive strategy to address the misuse of methadone and prevent any additional avoidable deaths.

Methadone is an FDA approved, synthetic opioid prescription drug that has been extensively tested and used in the U.S. for more than thirty years. While it was first prescribed for pain management, methadone is also widely used as a part of opioid addiction treatment. The high efficacy and low cost of methadone has resulted in a significant rise in the number of methadone prescriptions, up 700 percent since 1998. However, there has also been a steep increase in the number of methadone-related deaths. In 2005, there were 4,462 methadone deaths, representing a 468 percent increase in the number of deaths since 1999.

Currently, oversight of methadone is fragmented between three federal agencies: the Food and Drug Administration, FDA, the Substances Abuse and Mental Health Services Administration, SAMHSA, and the Drug Enforcement Administration, DEA. Currently, these agencies lack the most effective tools necessary to properly monitor methadone usage and effectively prevent methadone-related deaths. The legislation we are introducing today will address this shortcoming in our public health infrastructure by providing the administrative direction, funding, education, and data necessary to effectively monitor for the potential misuse of methadone.

The alarming number of accidental methadone-related overdoses indicates that both patients and practitioners do not fully understand the complex nature of this medication. Therefore, the Methadone Treatment and Protection Act will significantly improve patient and provider information about methadone by mandating the creation of a consumer education campaign and requiring additional training for practitioners who prescribe methadone and other opioids.

The bill will also improve Federal oversight of methadone by creating the Controlled Substances Clinical Standards Commission—with membership comprised of the FDA, SAMHSA, and the National Institutes of Health, NIH. This new Commission will establish safe dosage levels for methadone and other opioids, determine appropriate conversion factors when transferring a patient from one opioid to another, and create specific guidelines for initiating pain management treatment with methadone. To curtail the problems of doctor shopping and diversion, this legislation also adequately funds the National All Schedules Prescription Drug Reporting Act, NASPER. Passed and signed into law in 2005, NASPER requires providers to submit prescribing information for all schedule II, III, and IV drugs to State run controlled substance monitoring programs. NASPER also requires States to share this information with one another. Funding NASPER will serve as a deterrent to those who misuse methadone from crossing State lines in order to avoid being detected.

Finally, to improve access to comprehensive data on methadone-related deaths, this legislation mandates the completion of a standard Model Opioid Treatment Program Mortality Report, and requires its submission to a newly created National Opioid Death Registry. Prior to 1999, methadone did not have separate classification from other opiate-related deaths. Therefore, a study released by the Center for Disease Control and Prevention in 2006 was the first opportunity to examine the trends in methadone exclusively. By creating a National Opioid Death Registry, it will be possible to more carefully track—and hopefully prevent—methadone-related deaths.

It is my belief that the multi-pronged approach provided in the Methadone Treatment and Protection Act will lead to a decrease in the number of opioid and methadone-related deaths. This legislation will improve the coordination of resources and information at the local, State and Federal level to stifle the rising death toll, while at the same time make certain methadone and other opioids remain accessible for those who truly need these medications. In light of the facts and the preventable nature of methadone-related deaths, Congress has a responsibility to the American people to guarantee individuals have access to the treatment they need in a manner that is both safe and effective. The time for action is now, and I urge my colleagues to join us in support of this important bill.

---

By Mrs. BOXER:

S. 755. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we engage in the debate on health care reform, it is critical that we address the need to invest in health research and innovation to spur the development of new treatments and cures for diseases. Today, I am proud to introduce two bills, S. 755 and S. 756, that would direct Federal investment in new programs that would develop tools to detect ovarian and prostate cancers.

We know that early and reliable detection of these cancers can save lives. These bills make sure we have the tools we need to catch these cancers early, when they can be treated thereby significantly increasing survival rates.

First, the Ovarian Cancer Biomarker Research Act provides funding for research directed toward the development of reliable screening techniques for ovarian cancer—a critical investment in the future of any woman who will face ovarian cancer.

Though only one in 72 women will face ovarian cancer in their lifetime, this disease ranks fifth in cancer deaths among women and causes more deaths than any other cancer of the female reproductive system. In the last year alone, the National Cancer Institute, NCI, estimated there were 15,520 deaths from ovarian cancer in the U.S.

For many years, ovarian cancer has been called the ''silent killer'' because too often women are diagnosed with this disease too late to be saved. But when ovan cancer is diagnosed early, more than 93 percent of women survive longer than 5 years. Because there is currently no effective screening test available, 4 out of 5 ovarian cancer cases in the U.S. are diagnosed in the later stages, when a woman's chance of surviving more than 5 years drops to 46 percent.

The Ovarian Cancer Biomarker Research Act would authorize NCI to make grants for public or nonprofit entities to establish research centers focused on ovarian cancer biomarkers. Biomarkers are biochemical features within the body that can be used to measure the progress of a disease and predict the effects of treatment. This legislation also authorizes funding for a national clinical trial that will enroll at-risk women in a study to determine the clinical utility of using these validated ovarian cancer biomarkers.

The Society of Gynecologic Oncologists, the American College of Obstetricians and Gynecologists, the Ovarian Cancer National Alliance, and the American College of Surgeons have all joined together in support of this research developing tools to detect ovarian cancer early, because they know it is critical to improving the rate of survival for women struck by this disease.

The second bill, the Prostate Imaging, Research and Men's Education Act, addresses the urgent need for the development of new technologies to detect and diagnose prostate cancer.

Prostate cancer is the second most common cancer in the U.S., and the second leading cause of cancer related deaths in men—striking 1 in every 6 men. In 2008, it was estimated that more than 186,000 men were diagnosed with prostate cancer, and more than 28,000 men died from the disease.

The Prostate Research, Imaging, and Men's Education Act, or PRIME Act, would mirror the investment the Federal Government made in advanced imaging technologies, which led to lifesaving breakthroughs in detection, diagnosis and treatment of breast cancer. This bill directs the Secretary of the Department of Health and Human Services to expand prostate cancer research, and provides the resources to develop innovative advanced imaging technologies for prostate cancer detection, diagnosis, and treatment.

In addition, the PRIME Act would create a national campaign to increase awareness about the need for prostate cancer screening, and works with the Offices of Minority Health at HHS and the Centers for Disease Control and Prevention to ensure that this information reaches the men most at risk from this disease.

The PRIME Act will also promote research that improves prostate cancer screening blood tests. According to a National Cancer Institute study, current blood tests result in false-negative reassurances and numerous false-positive alarms. Some 15 percent of men with normal blood test levels actually have prostate cancer. Even when levels are abnormal, some 88 percent of men end up not having prostate cancer but undergo unnecessary biopsies. Furthermore, the prostate is one of the last organs in a human body where biopsies are performed blindly, which can miss cancer even when multiple samples are taken.

Government initiatives in research and education can be the key to diagnosing prostate or ovarian cancers earlier and more accurately. These two bills would strengthen our efforts to fight these diseases.

These bills are of vital importance to thousands of men and women across our great Nation, and the families and friends who are concerned for their continued health. I look forward to working with my colleagues in the House and Senate to get these bills passed as soon as possible.

---

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. UDALL of New Mexico):

S. 757. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Charlie Wolf Nuclear Workers Compensation Act. It is a bill designed to improve a program to compensate Americans who are gravely ill because they were exposed to radiation or other toxins while working in our Cold War-era nuclear weapons complex.

This is an issue that is important to many Coloradans because of the work done at Rocky Flats outside of Denver. The compensation program has a number of serious flaws, and I have worked on solutions for several years now.

The bill I am introducing includes a number of provisions that I introduced last session in the House of Representatives with my Colorado colleague, Representative ED PERLMUTTER. This year, I expanded on those provisions and added others to help these workers finally get the assistance they deserve under this program.

We named the bill for Charlie Wolf, who was one of thousands of workers during the Cold War era, who risked their health in order to build America's nuclear arsenal. And I believe his story illustrates why we should do better by these workers—and why I have introduced this bill.

Charlie worked as an engineer at Rocky Flats—and before that, at the Savannah River Site in South Carolina. He—and the thousands of other workers like him—are Cold War veterans. As controversial as their work often was, they were also patriotic Americans who did more for our country than collect a paycheck.

They believed that their work was keeping the world safe from the Soviet threat—and keeping this country strong. And they were right.

But their work was also dangerous. As a result of radiation and toxins he was exposed to on the job, Charlie developed brain cancer a little over 6 years ago. He was given 6 months to live—but he hung on for 6 years.

During all of those 6 years, he and his family fought with the Federal government to get the compensation that he was promised—and that he deserved.

Charlie's struggles were documented by the Rocky Mountain News in a series of stories called ''Deadly Denial.'' That title, unfortunately, has come to symbolize the troubles with this compensation program.

I have heard from many former workers, who—like Charlie and his family—have been subjected to repeated delays, lost records, complex exposure formulas, and other roadblocks.

We simply cannot—and should not—subject these workers—patriotic people who put themselves in harm's way to help secure our nation—through these kinds of obstacles and difficulties.

It is shameful and, frankly, enough is enough.

This Congress recognized that we should compensate our Cold Warriors and certain survivors who put their health and life on the line to serve our Nation during the Cold War. We created the EEOICPA program to carry out that compensation.

I was among those who strongly supported the EEOICPA provisions that were finally enacted into law in 2000.

But the next year brought a new administration that, regrettably, did not advocate for the program as the Clinton administration had.

Simply put, the program is not working the way it was intended.

As a result, while many people have received benefits under the program, too many face inexcusable obstacles as they try—often in old age or while struggling with the effects of cancer or other serious illnesses—to prove they qualify for benefits.

More than 9 years after we enacted EEOICPA, workers have died without receiving the health care or compensation they deserve.

In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing any compensation for their serious illnesses.

I now look forward to working with the Obama administration to correct problems with this compensation program.

The bill I am introducing this week is part of that ongoing effort.

The Charlie Wolf Act is designed to expand the category of individuals eligible for compensation, improve the procedures for providing compensation and transparency, and grant the Office of the Ombudsman greater authority to help workers.

I would like to explain a couple of the provisions in a little more detail.

First, it would revise the part of the EEOICPA law that specifies which covered workers are part of what is known as a ''special exposure cohort'' designation under the law.

The revision would extend this ''special exposure cohort'' status to Department of Energy employees, Department of Energy contractor employees,

or atomic weapons employees who worked at a nuclear weapons facility prior to January 1, 2006.

Being included in a special exposure cohort would help make it easier for workers to establish that their radiation-linked cancer was the result of working at one of these facilities.

Second, the bill would change the burden of proving that a radiation-linked cancer was the result of workplace exposure to toxic materials.

As the law now stands, before a worker can receive benefits, they must establish that the cancer is as likely as not to have resulted from on-the-job exposure to radiation.

While that sounds like a reasonable requirement, many workers have learned that we have not adequately documented radiation exposures over the years.

In fact, there were serious shortcomings in the monitoring of nuclear weapons plant workers' radiation exposures and in the necessary record-keeping. Also, the current administrative process for determining links between exposure and employment is terribly slow.

Many worker exposures were unmonitored or under-monitored over a nuclear weapons plant's history. As such, the current law requires these workers to seek ''dose reconstructions''—essentially using some extrapolated data modeling to re-create the sorts of exposures experienced.

But ''dose reconstructions'' are extremely difficult, slow and arduous for the worker and the agency. The process drags out, while workers like Charlie suffer and wait for compensation they need—in some cases, to help them pay for cancer treatments or care for other deadly illnesses.

This is wrong. We owe these workers better than that.

My bill fixes that problem by presuming that a worker with a covered radiation-linked cancer is eligible for compensation. And it puts the burden of proof on the agency.

So, unless the agency can show—by clear and convincing evidence—that their cancer was not caused by exposure while working at a nuclear weapons facility, that worker would be eligible for compensation.

It may seem like this is asking to prove a negative, but I believe that it requires the federal agency to prove that the cancer may have been the result of other factors. I think it is more appropriate to place this burden on the federal government—and not the ill worker.

Third, the bill expands the list of cancers for which individuals are eligible to receive compensation. The current law fails to recognize some cancers that could legitimately be caused by exposure to toxic materials at these sites.

The bill also requires the Department of Labor to pay a claimant's estate should a claimant die after filing their claim—but before receiving payment and leaving no survivors.

Finally, the bill makes a number of other changes that are all designed to make this process more user-friendly and helpful to claimants.

It expands the duties of the Ombudsman's Office, providing greater transparency and communication with claimants, and allowing more time to file legal actions should claims be denied.

It also allows claimants who were previously denied to re-file their claims.

Since early in my tenure in Congress, I have worked to make good on promises of a fairer deal for the nuclear-weapons workers who helped America win the Cold War.

That was why enactment and improvement of the compensation act has been one of my top priorities. This is an important matter for our country. It is literally a life-or-death issue for the Coloradans who are sick today because of their work at Rocky Flats.

The Charlie Wolf Act will not remedy all the shortcomings of the current law, but it will make it better.

I hope to work with my colleagues in the Senate, who have constituents who face situations similar to that of Charlie and his family. I hope for swift action from both Congress and the administration to keep our promises to these workers and their families.

Charlie Wolf and his family deserve better, as do all of the Americans who have made similar scarifies and been subjected to similar struggles.

Charlie's widow, Kathy, told me this week that Charlie carried on his fight out of principle because he didn't want other workers to have to fight the country they worked so hard to protect.

I am proud to continue to work on behalf of Charlie's family and his memory. I urge my colleagues to cosponsor or support this worthwhile legislation and honor our Cold War heroes.

I would like to thank Senator MICHAEL BENNET of Colorado and Senator TOM UDALL of New Mexico for joining me as original cosponsors of this bill.

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. 757

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Charlie Wolf Nuclear Workers Compensation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purpose.
Sec. 3. Specified disease.
Sec. 4. Definitions for program administration.
Sec. 5. Change in presumption for finding of cancer.
Sec. 6. Distribution of information to claimants and potential claimants.
Sec. 7. Enhancement of site profiles of Department of Energy facilities.
Sec. 8. Clarification of covered illnesses.
Sec. 9. Payment of compensation to survivors and estates of contractor employees.
Sec. 10. Wage loss resulting from exposure.
Sec. 11. Expansion of toxic substance exposure for covered illnesses.
Sec. 12. Extension of statute of limitations for judicial review of contractor employee claims.
Sec. 13. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
Sec. 14. Payment for transportation and personal care services.
Sec. 15. Enhancement of transparency in claims process.
Sec. 16. Extension of time for claimants to respond to requests for information.

**SEC. 2. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this subsection as the ''Act'') was enacted to ensure fairness and equity for the civilian men and women who, for more than 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy (including predecessor agencies of the Department of Energy) by establishing a program to provide efficient, uniform, and adequate compensation for—

(A) beryllium-related health conditions; and

(B) heavy metal-, toxic chemical-, and radiation-related health conditions;

(2) the Act (42 U.S.C. 7384 et seq.) provides a process for the consideration of claims for compensation by individuals who were employed at relevant times and at various locations, which includes provisions to designate employees at certain other locations as members of a special exposure cohort the claims of whom are subject to a less-detailed administrative process;

(3) the Act (42 U.S.C. 7384 et seq.) authorizes the President, upon a recommendation by the Advisory Board on Radiation and Worker Health established under section 3624(a)(1) of the Act (42 U.S.C. 7384o(a)(1)), to designate additional classes of employees at facilities under the jurisdiction of the Department of Energy as members of a special exposure cohort if the President determines that—

(A) it is not feasible to estimate with sufficient accuracy the magnitude of the radiation dose that the cohort received; and

(B) there is a reasonable likelihood that the radiation dose may have endangered the health of members of the cohort;

(4) it is not feasible to estimate with sufficient accuracy the magnitude of radiation doses received by employees at facilities under the jurisdiction of the Department of Energy because—

(A) many radiation exposures by employees were unmonitored or were not monitored adequately over the lifetime of each facility, as demonstrated in 2004, when an individual employed during the 1950's agreed to be scanned under the former radiation worker program of the Department of Energy and was found to have a significant internal deposition of radiation that had been undetected and unrecorded for longer than 50 years;

(B) lung counters used for the detection and measurement of plutonium and americium in the lungs of the employees were not available at some facilities until the late 1960's, thus—

(i) preventing the very insoluble oxide forms of plutonium from being detected; and

(ii) leading to a result in which a large number of employees experienced inhalation exposures that went undetected and unmeasured;

(C) exposure to neutron radiation was not monitored at some facilities until the late 1950's, and most of the measurements taken at the facilities from the period beginning in the late 1950's and ending in 1970 have been found to be in error;

(D) in some areas of the facilities, neutron doses were 2 to 10 times as great as the gamma doses received by employees, although only gamma doses were recorded;

(E) the radiation exposures of many employees at certain facilities were not measured, and in some cases estimated doses were assigned, while some records for doses have been destroyed or lost;

(F) as a result of the practices described in subparagraph (E), the available exposure histories and other data are not adequate to properly determine whether employees qualify for compensation under the Act (42 U.S.C. 7384 et seq.); and

(G) the model that has been used for dose reconstruction by the National Institute for Occupational Safety and Health in determining whether certain workers qualify for compensation under the Act (42 U.S.C. 7384 et seq.) contains errors because—

(i) the default values used for particle size and solubility of internally deposited plutonium in employees are in error; and

(ii) the use of those erroneous default values to calculate internal doses for claimants can result in dose calculations that may be 3 to 10 times below the calculations as indicated by the example of the records and autopsy data of the Rocky Flats Environmental Technology Site of the Department of Energy;

(5) the administrative costs arising from claims have been disproportionately high relative to the number of claims that have been approved;

(6) many employees, despite working with tons of plutonium and having known exposures that have lead to serious health effects, have been denied compensation under the Act (42 U.S.C. 7384 et seq.) as a result of—

(A) potentially flawed calculations based on records that are incomplete or in error; and

(B) the use of incorrect models;

(7) the purposes of the Act (42 U.S.C. 7384 et seq.) are more likely to be achieved if claims by the employees described in this subsection are subject to administrative procedures applicable to members of the special exposure cohort;

(8) Charlie Wolf, an employee at the nuclear weapons facilities of the Savannah River Site, the Fernald Site, and the Rocky Flats Environmental Technology Site of the Department of Energy, died in 2009 from complications due to glioblastoma multiform brain tumors;

(9) the difficulties of Mr. Wolf in securing compensation for the illness that he likely incurred from exposures to toxic and radioactive materials at the nuclear weapons facilities described in paragraph (8) reinforce the need to ensure that the Act (42 U.S.C. 7384 et seq.) will be carried out more efficiently and humanely for employees similar to Mr. Wolf;

(10) Mr. Wolf's first tumor was discovered after he had worked for several years at the Rocky Flats Environmental Technology Site of the Department of Energy, during which he served as the director of buildings numbered 771 (which was once considered the most dangerous nuclear facility in the United States), 774, and 779, 3 facilities at which toxic and radioactive materials were present and handled by employees;

(11) prior to working at the Rocky Flats Environmental Technology Site of the Department of Energy, Mr. Wolf ran plutonium metal production lines at the Savannah River Site of the Department of Energy;

(12) Mr. Wolf and his family spent almost 7 years of their lives seeking compensation under the Act (42 U.S.C. 7384 et seq.) although, due to the requirements of the Act (42 U.S.C. 7384 et seq.) and the manner by which the regulations and procedures were carried out, the claims of Mr. Wolf were subjected to lengthy and repeated delays and complications that resulted from the difficulties associated with establishing the reconstruction of radiation doses;

(13) as a result of the experiences of Mr. Wolf, and many others like him, there is a need to reform the Act (42 U.S.C. 7384 et seq.), and the program carried out in accordance with the Act (42 U.S.C. 7384 et seq.), to improve the processing of claims; and

(14) the reforms established through the amendments made by this Act broaden the list of specified cancers, broaden the membership of the special exposure cohort, and change the presumption of cancer due to work-related exposures to help streamline the claims process and help workers like Mr. Wolf and their survivors.

(b) PURPOSE.—The purpose of this Act is to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) to improve the processing of claims for work-related illnesses at facilities under the jurisdiction of the Department of Energy.

**SEC. 3. SPECIFIED DISEASE.**

Section 4(b)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note; Public Law 101–426) is amended—

(1) by striking ''(other than chronic lymphocytic leukemia)'' and inserting ''(including chronic lymphocytic leukemia)'';

(2) by inserting ''posterior subcapsular cataracts, nonmalignant thyroid nodular disease, parathyroid adenoma, malignant tumors of the brain and central nervous system, brochio-alveolar carcinoma, benign neoplasms of the brain and central nervous system,'' after ''disease),''; and

(3) by striking ''or lung'' and inserting ''lung, skin, kidney, salivary gland, rectum, pharynx, or prostate''.

**SEC. 4. DEFINITIONS FOR PROGRAM ADMINISTRATION.**

(a) ATOMIC WEAPONS EMPLOYEE.—Section 3621(3)(A) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384l(3)(A)) is amended by inserting '', or an individual employed by a contractor or subcontractor of an atomic weapons employer,'' after ''atomic weapons employer''.

(b) ESTABLISHED CHRONIC BERYLLIUM DISEASE.—Section 3621 of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384l) is amended by striking paragraph (13) and inserting the following:

''(13) ESTABLISHED CHRONIC BERYLLIUM DISEASE.—The term 'established chronic beryllium disease' means chronic beryllium disease, as established by—

''(A) an occupational or environmental history, or epidemiological evidence of beryllium exposure; and

''(B) any 3 of the following criteria:

''(i) Characteristic chest radiographic (or computed tomography) abnormalities.

''(ii) Restrictive or obstructive lung physiology testing or a diffusing lung capacity defect.

''(iii) Lung pathology consistent with chronic beryllium disease.

''(iv) A clinical course consistent with a chronic respiratory disorder.

''(v) An immunologic test demonstrating beryllium sensitivity (with preference given to a skin patch test or a beryllium blood test).''.

(c) MEMBER OF SPECIAL EXPOSURE COHORT.—

(1) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following:

''(D) The employee—

''(i) is not covered under subparagraph (A), (B), or (C); and

''(ii) was employed by the Department of Energy, or a contractor or subcontractor of the Department of Energy, before January 1, 2006.''.

(2) REAPPLICATION.—A claim for which an individual qualifies, by reason of paragraph (14)(D) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) (as added by paragraph (1)), for compensation or benefits under that Act (42 U.S.C. 7384 et seq.) shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to the individual.

(d) SPECIFIED CANCERS.—

(1) IN GENERAL.—Section 3621(17) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384l(17)) is amended—

(A) in subparagraph (D), by striking ''(other than chronic lymphocytic leukemia)''; and

(B) by adding at the end the following:

''(E) Basal cell carcinoma.

''(F) Skin cancer.''.

(2) REAPPLICATION.—A claim for which an individual qualifies, by reason of subparagraph (E) or (F) of paragraph (17) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) (as added by paragraph (1)), for compensation or benefits under that Act (42 U.S.C. 7384 et seq.) shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to the individual.

**SEC. 5. CHANGE IN PRESUMPTION FOR FINDING OF CANCER.**

Section 3623(b) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384n(b)) is amended by striking ''if, and only if, the cancer specified in that subclause was at least as likely as not related to'' and inserting '', unless it is determined, by clear and convincing evidence, that such cancer was not sustained as a result of''.

**SEC. 6. DISTRIBUTION OF INFORMATION TO CLAIMANTS AND POTENTIAL CLAIMANTS.**

(a) INDEPENDENT PHYSICIANS FOR PERFORMANCE OF MEDICAL AND IMPAIRMENT SCREENINGS.—Section 3631(b)(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384v(b)(2)) is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) lists that contain descriptions of physicians who are—

''(i) qualified to perform medical and impairment screenings on matters relating to the compensation program; and

''(ii) identified for purposes of this subparagraph by 1 or more independent medical associations, institutions of higher education, or both that are selected by the President for purposes of this subparagraph; and''.

(b) NOTICE OF AVAILABLE BENEFITS.—Section 3631 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384v) (as amended by subsection (a)) is amended by adding at the end the following:

''(d) NOTICE TO CLAIMANTS REGARDING AVAILABLE BENEFITS.—The President shall provide to an individual who files a claim for compensation under this subtitle or subtitle E a written notice that contains a description of the benefits for which the individual may be eligible under this Act.''.

**SEC. 7. ENHANCEMENT OF SITE PROFILES OF DEPARTMENT OF ENERGY FACILITIES.**

(a) INCLUSION OF TRADE NAMES OF CHEMICALS IN SITE PROFILES.—Section 3633 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384w–1) is amended by striking subsection (c) and inserting the following:

''(c) DEFINITION OF SITE PROFILE.—In this section, the term 'site profile' means an exposure assessment of a facility that—

''(1) identifies the toxic substances or processes that were commonly used in each building or process of the facility, and the time frame during which the potential for exposure to toxic substances existed; and

''(2) includes the trade name (if any) of any substance described in paragraph (1).''.

(b) PUBLIC ACCESS TO SITE PROFILES AND RELATED INFORMATION.—Section 3633 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384w–1) (as amended by subsection (a)) is amended by adding at the end the following:

''(e) PUBLIC ACCESS TO SITE PROFILES AND RELATED INFORMATION.—The Secretary of Labor shall make available to the public—

''(1) each site profile prepared under subsection (a);

''(2) any other database used by the Secretary of Energy to evaluate claims for compensation under this Act; and

''(3) statistical data regarding the number of claims filed, the illnesses claimed, the number of claims filed for each illness, the number of claimants receiving compensation, and the length of time required to process each claim, as measured from the date on which the claim is filed to the final disposition of the claim.''.

**SEC. 8. CLARIFICATION OF COVERED ILLNESSES.**

(a) DEFINITION OF COVERED ILLNESS.—Section 3671 of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7385s) is amended by striking paragraph (2) and inserting the following:

''(2) COVERED ILLNESS.—The term 'covered illness' means an illness or death resulting from exposure to a toxic substance, including—

''(A) all forms of cancer;

''(B) silicosis;

''(C) asbestosis;

''(D) mesothelioma;

''(E) lung fibrosis;

''(F) chronic obstructive pulmonary disease;

''(G) chronic renal insufficiency;

''(H) peripheral neuropathy;

''(I) chronic encepathalopathy;

''(J) occupational asthma; and

''(K) pneumoconiosis.''.

(b) REAPPLICATION.—A claim for which an individual qualifies, by reason of section 3671(2) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7385s(2)) (as amended by subsection (a)), for compensation or benefits under that Act (42 U.S.C. 7384 et seq.) shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to the individual.

**SEC. 9. PAYMENT OF COMPENSATION TO SURVIVORS AND ESTATES OF CONTRACTOR EMPLOYEES.**

Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–1) is amended to read as follows:

**''SEC. 3672. COMPENSATION.**

''(a) CONTRACTOR EMPLOYEES; SURVIVORS.—

''(1) CONTRACTOR EMPLOYEES.—

''(A) IN GENERAL.—In accordance with section 3673, a covered contractor employee of the Department of Energy shall receive contractor employee compensation under this subtitle.

''(B) COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.—Except as provided in paragraph (2)(B), if the death of a contractor employee described in subparagraph (A) occurs after the date on which the contractor employee applies for compensation under this subtitle, but before the date on which such compensation is paid, the amount of compensation that the contractor employee would have received under this paragraph shall be paid to—

''(i) a survivor of the contractor employee in accordance with section 3674; or

''(ii) if, as of the date of the death of the contractor employee, no survivor of the contractor employee exists, the estate of the contractor employee.

''(2) SURVIVORS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a survivor of a covered contractor employee of the Department of Energy shall receive contractor employee compensation under this subtitle in accordance with section 3674.

''(B) ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.—A survivor of a contractor employee described in subparagraph (A) who is otherwise eligible to receive compensation pursuant to subparagraph (A) and paragraph (1)(B) shall—

''(i) receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor of the contractor employee; and

''(ii) not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B).

''(b) APPLICABILITY.—Subsection (a) is subject to each other provision of this subtitle.''.

**SEC. 10. WAGE LOSS RESULTING FROM EXPOSURE.**

Section 3673(a)(2)(A)(i) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7385s–2(a)(2)(A)(i)) is amended by inserting ''that contributed to the wage loss of the employee'' after ''that employee''.

**SEC. 11. EXPANSION OF TOXIC SUBSTANCE EXPOSURE FOR COVERED ILLNESSES.**

Section 3675(c)(1) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7385s–4(c)(1)) is amended—

(1) in subparagraph (A), by inserting ''(including radiation or a combination of a toxic substance, including heavy metals, and radiation)'' after ''toxic substance''; and

(2) in subparagraph (B), by inserting ''(including radiation or a combination of a toxic substance and radiation)'' after ''toxic substance''.

**SEC. 12. EXTENSION OF STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF CONTRACTOR EMPLOYEE CLAIMS.**

Section 3677(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–6(a)) is amended, in the first sentence, by striking ''within 60 days'' and inserting ''not later than 1 year''.

**SEC. 13. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.**

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) DUTIES.—The Office shall—

''(1) assist individuals in making claims under this subtitle and subtitle B;

''(2) provide information regarding—

''(A) the benefits available under this subtitle and subtitle B; and

''(B) the requirements and procedures applicable to the provision of the benefits described in subparagraph (A);

''(3) function as an advocate on behalf of individuals seeking benefits under this subtitle and subtitle B;

''(4) make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle and subtitle B; and

''(5) carry out such other duties as the Secretary may require.'';

(2) in subsection (d), by inserting ''and subtitle B'' after ''this subtitle'';

(3) in subsection (e), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears; and

(4) by striking subsection (g) and inserting the following:

''(g) CONTRACT AUTHORITY.—The Ombudsman may enter into 1 or more service contracts with individuals who possess expertise in any matter that the Ombudsman considers appropriate for the performance of the duties of the Office, including matters relating to health physics, medicine, industrial hygiene, and toxicology.''.

**SEC. 14. PAYMENT FOR TRANSPORTATION AND PERSONAL CARE SERVICES.**

(a) DEFINITION OF COVERED INDIVIDUAL.—In this section, the term ''covered individual'' means an individual who receives medical benefits under section 3629(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t(a)).

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations to provide for the direct payment to providers of the costs to covered individuals of—

(1) personal care services (as that term is used in section 30.403 of title 20, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act)) authorized pursuant to section 3629 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t); and

(2) necessary and reasonable transportation expenses incident to securing medical services, appliances, or supplies pursuant to section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t(c)).

**SEC. 15. ENHANCEMENT OF TRANSPARENCY IN CLAIMS PROCESS.**

(a) INFORMATION PROVIDED ON DENIAL OF CLAIM; REQUIREMENTS RELATING TO CORRESPONDENCE.—Not later than 90 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that—

(1) any notification to an individual making a claim under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) that the claim of the individual has been denied, and all other correspondence with the individual relating to the claim, are written in language that is clear, concise, and easily understandable; and

(2) any notification described in paragraph (1) contains—

(A) an explanation of each reason for the denial of the claim described in that paragraph; and

(B) a description of the information, if any, that the individual could have submitted that could have resulted in approval of the claim.

(b) DOCUMENT RETENTION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor and the Secretary of Energy shall jointly promulgate regulations to ensure that the Department of Labor and the Department of Energy—

(1) retain each original document in the possession of the Department of Labor or the Department of Energy relating to a facility under the jurisdiction of the Department of Energy if—

(A) any employee of the facility might reasonably be expected to file a claim for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.); and

(B) the document might reasonably be expected to be used by any employee described in subparagraph (A) in making a claim for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.); and

(2) provide each employee described in paragraph (1)(A) with access to each document described in that paragraph.

**SEC. 16. EXTENSION OF TIME FOR CLAIMANTS TO RESPOND TO REQUESTS FOR INFORMATION.**

If the Secretary of Labor submits to an individual who has filed a claim for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) a request for information that relates to the claim for compensation, the individual shall be required to respond to the request by not earlier than 120 days after the date on which the individual receives the request.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 92—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. BEGICH, Mr. BURRIS, Mr. REID, Mr. SCHUMER, Mr. UDALL, of New Mexico, and Mr. BENNET) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 92

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona, where he spent his early years on his family's farm;

Whereas at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest, when his family lost their farm due to a bank foreclosure;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an eighth-grade education, left to work full-time as a farm worker to help support his family;

Whereas at the age of 17, César Estrada Chávez entered the United States Navy and served the Nation with distinction for 2 years;

Whereas in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he met working in the vineyards of central California, and had 8 children;

Whereas as early as 1949, César Estrada Chávez committed himself to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, decent housing, and the outlawing of child labor;

Whereas in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked to coordinate voter registration drives and conduct campaigns against discrimination in East Los Angeles, and later served as the national director of the organization;

Whereas in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of nonviolence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively utilized peaceful tactics, such as fasting in 1968 for 25 days, in 1972 for 25 days, and in 1988 for 38 days, to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas through his commitment to nonviolence, César Estrada Chávez brought dignity and respect to the farm workers who organized themselves, and became an inspiration and a resource to other people in the United States and people engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working to better human rights, to empower workers, and to advance an American Dream that includes all its inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, in San Luis, Arizona, only miles from his birthplace of 66 years earlier;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California, and he was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas since his death, schools, parks, streets, libraries, and other public facilities, and awards and scholarships have been named in honor of César Estrada Chávez;

Whereas since his death, 10 States and dozens of communities across the Nation honor the life and legacy of César Estrada Chávez on March 31 of each year, the day of his birth;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime, and after his death was awarded the Presidential Medal of Freedom on August 8, 1994; and

Whereas the United States should not cease its efforts to ensure equality, justice, and dignity for all people in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the accomplishments and example of a great American hero, César Estrada Chávez;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez, and to always remember his great rallying cry, ''Sí, se puede!''.

### SENATE RESOLUTION 93—A BILL SUPPORTING THE MISSION AND GOALS OF 2009 NATIONAL CRIME VICTIM'S RIGHTS WEEK, TO INCREASE PUBLIC AWARENESS OF THE RIGHTS, NEEDS, AND CONCERNS OF VICTIMS AND SURVIVORS OF CRIME IN THE UNITED STATES, AND TO COMMEMORATE THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984.

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 93

Whereas approximately 25,000,000 individuals in the United States are victims of crime each year, including more than 6,000,000 victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas although the Nation 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 these gains;

Whereas the Nation must do more to ensure that services are available for underserved segments of the population, including crime victims with disabilities, with mental illness, teenaged victims, elderly victims, and victims from urban areas, rural areas, and communities of color;

Whereas observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas the people of the United States recognize that homes, neighborhoods, and communities are made safer and stronger by serving victims of crime and ensuring justice for all;

Whereas 2009 marks the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (VOCA) (42 U.S.C. 10601 et seq.), the hallmark of the Federal Government's recognition of its commitment to supporting rights and services for victims of all types of crime that established the Crime Victims Fund, which is paid for through criminal fines and penalties, rather than by taxpayers' dollars;

Whereas since its inception, the Crime Victims Fund has collected more than $9,000,000,000 from offender fines and penalties to be used exclusively to help victims of crime;

Whereas VOCA supports direct assistance and financial compensation to more than 4,000,000 victims of crime every year;

Whereas VOCA's imaginative transformation of offender fines into programs of victim rehabilitation has inspired similar programs throughout the worldwide crime victims' movement;

Whereas the theme of 2009 National Crime Victims' Rights Week, celebrated April 26, 2009 through May 2, 2009, is ''25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act'', which highlights VOCA's significant achievements and contributions in advancing rights and services for all crime victims; and

Whereas National Crime Victims' Rights Week provides an opportunity for the Nation to strive to reach the goal of justice for all by ensuring that all 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 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims;

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

## SENATE RESOLUTION 94—DESIGNATING APRIL 2009 AS ''FINANCIAL LITERACY MONTH''

Mr. AKAKA (for himself and Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. ENZI, Mrs. HAGAN, Mr. CORKER, Mr. LEVIN, Mr. WICKER, Mr. SCHUMER, Mr. INOUYE, Mr. MENENDEZ, Mr. DURBIN, Ms. STABENOW, Mr. JOHNSON, Mr. CARDIN, Mr. CARPER, Mrs. LINCOLN, Mrs. MURRAY, Mrs. GILLIBRAND, Mr. COCHRAN, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 94

Whereas, in September 2008, consumer bankruptcy filings in the United States increased more than 30 percent from the same period in 2006, according to the Administrative Office of the United States Courts;

Whereas there were more than 1,000,000 personal bankruptcy filings in the United States in 2008, the most since bankruptcy laws were amended in 2005, according to the Administrative Office of the United States Courts;

Whereas, according to a 2008 ''Flow of Funds'' report by the Federal Reserve, the net worth of households in the United States fell for the 4th consecutive quarter, dropping $2,800,000,000,000, the largest decline in the 57-year history of the report;

Whereas, according to a 2008 ''Flow of Funds'' report by the Federal Reserve, household debt in the United States reached $14,000,000,000;

Whereas the 2008 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, the biggest 1-year decline in the 18-year history of the survey;

Whereas the Department of the Treasury sponsored the 2008 National Financial Literacy Challenge, an examination testing knowledge of high school students of important personal finance concepts;

Whereas the average score on the examination was an ''F'', only 56 percent;

Whereas the 2007 ''Survey of the States'' compiled by the Council for Economic Education found that only 22 States require an economics test as a high school graduation requirement, 3 fewer than in 2004;

Whereas many students who graduate from high school lack basic skills in the management of personal financial affairs and are unable to balance a checkbook, according to the Jumpstart Coalition for Personal Financial Literacy;

Whereas, according to the National Foundation for Credit Counseling, fewer than half the people in the United States accessed their credit report in 2008, despite the fact that such report can be obtained for free and contains critically important information for consumers;

Whereas approximately 76,000,000 adults say they do not have any non-retirement savings, according to the National Foundation for Credit Counseling;

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 2009 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 95—CONGRATULATING THE UNIVERSITY OF IOWA MEN'S WRESTLING TEAM FOR WINNING THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WRESTLING CHAMPIONSHIP

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 95

Whereas on March 21, 2009, in St. Louis, Missouri, the University of Iowa Hawkeyes won the 2009 National Collegiate Athletic Association (NCAA) Division I Wrestling Championship with a total of 96.5 team points;

Whereas the University of Iowa is one of the premier academic institutions in the State of Iowa;

Whereas the University of Iowa men's wrestling team was ranked number 1 in the Nation upon entering the tournament;

Whereas the Hawkeyes are back-to-back champions and have won 22 national wrestling titles in the program's history;

Whereas on March 9, 2009, the Hawkeyes won their second straight Big Ten Championship;

Whereas University of Iowa wrestling head coach Tom Brands has led the team to 2 straight victories in only 3 years as head coach;

Whereas the Hawkeyes finished the regular season undefeated for the 12th time in as many years; and

Whereas University of Iowa students, alumni, faculty, and fans are committed to keeping alive the tradition of wrestling in Iowa and bringing pride to the State of Iowa as well as the University of Iowa: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Iowa Hawkeyes for winning the 2009 NCAA Division I Wrestling Championship; and

(2) recognizes the achievements and efforts of the wrestlers, coaches, fans, and staff that helped the team to achieve this significant victory.

## SENATE RESOLUTION 96—CONGRATULATING THE MORNINGSIDE COLLEGE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2009 NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS (NALA) DIVISION II CHAMPIONSHIP

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 96

Whereas on March 17, 2009, at the Tyson Event Center in Sioux City, Iowa, the Morningside College Mustangs won the national title game for the NAIA Division II women's basketball with a 68-63 win over the Hastings College Broncos;

Whereas Morningside College Mustangs captured the Great Plains Athletic Conference (GPAC) championship title with an 18-0 record;

Whereas Morningside College women's basketball Head Coach Jamie Sale was named NAIA Division II Coach of the Year;

Whereas 7 members of the Morningside College women's basketball team were named 2009 Daktronics-NAIA Scholar-Athletes for maintaining a minimum GPA of 3.50 and having at least a junior academic status: Cara Anderson, Autumn Bartel, Emily Christen, Sarah Culp, Mackenzi Mendlik, Roni Miller, and Brittany Williamson;

Whereas Autumn Bartel, a senior guard for Morningside College, was named Most Valuable Player of the NAIA Division II tournament;

Whereas Dani Gass, a senior guard for Morningside College, was named NAIA Division II Player of the Year;

Whereas the Morningside College women's basketball team was the unanimous number 1 vote in the final NAIA Division II Women's Basketball Coaches' Top 25 Poll, receiving 312 points and all 12 first place votes; and

Whereas the Mustangs finished the 2009 season with an undefeated record of 38-0, and was only the second team in NAIA Division II history to do so: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Morningside College Mustangs for winning the NAIA Division II national championship; and

(2) recognizes the achievements of the players, coaches, and staff whose hard work

and dedication helped the Morningside College Mustangs win the championship.

## SENATE CONCURRENT RESOLUTION 15—COMMENDING THE 39TH INFANTRY BRIGADE COMBAT TEAM OF THE ARKANSAS NATIONAL GUARD UPON ITS COMPLETION OF A SECOND DEPLOYMENT IN SUPPORT OF OPERATION IRAQI FREEDOM

Mr. PRYOR submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 15

Whereas the 39th Infantry Brigade Combat Team, known as the Bowie Brigade, of the Arkansas National Guard is headquartered in Little Rock, Arkansas, and is made up of some 3,200 selfless, brave, and dedicated Arkansans from all 4 congressional districts and every major city of the State;

Whereas the 39th Infantry Brigade Combat Team has a distinguished history of service to the United States, beginning with World War I and continuing through the Hurricane Katrina relief and recovery efforts;

Whereas the 39th Infantry Brigade Combat Team was most recently mobilized in January 2008, and departed for Iraq in March 2008, becoming the first National Guard Brigade Combat Team to be recalled and deployed twice in support of Operation Iraqi Freedom;

Whereas, while deployed, the 39th Infantry Brigade Combat Team logged more than 2,000,000 convoy security miles;

Whereas, while deployed, the 39th Infantry Brigade Combat Team searched more than 2,000,000 vehicles at entry control points;

Whereas the 39th Infantry Brigade lost no members in combat and suffered only 2 casualties, not related to combat;

Whereas the members of the 39th Infantry Brigade Combat Team are now returning to Arkansas to their proud families and to an appreciative and admiring Nation;

Whereas the strength and unflinching support of the families of the members of the 39th Brigade Combat Team have made the United States as strong as it is today; and

Whereas the 39th Brigade Combat Team has served with courage, compassion, and selflessness, and earned the respect, not only of Arkansans, but of all people of the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) commends the members of the 39th Brigade Combat Team of the Arkansas National Guard for their exemplary service to the United States and the completion of their second deployment in support of Operation Iraqi Freedom; and

(2) recognizes the service and sacrifice of the 39th Brigade Combat Team members and their families.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 739. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

SA 740. Mr. VOINOVICH (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 741. Mr. BARRASSO (for himself, Mr. INHOFE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 742. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 743. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 744. Mr. INHOFE (for himself, Mr. VITTER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 745. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 746. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 747. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 748. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 749. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 13, supra.

SA 750. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 751. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 752. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 753. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 754. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 755. Mr. CASEY (for himself, Ms. STABENOW, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 756. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 757. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. MARTINEZ, Ms. COLLINS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 13, supra; which was ordered to lie on the table.

SA 758. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 759. Mr. BENNETT (for himself, Mr. THUNE, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 760. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 761. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 762. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 763. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BENNET, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KYL, Mr. PRYOR, Mr. UDALL, of New Mexico, and Mr. UDALL, of Colorado) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res . 13, supra.

SA 764. Mr. CARPER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 765. Mr. BARRASSO (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 766. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 767. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 768. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 769. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 770. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 771. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 772. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 773. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 774. Mrs. LINCOLN (for herself, Ms. COLLINS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 775. Mrs. LINCOLN (for herself, Mr. CRAPO, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 776. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 777. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 778. Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 779. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 780. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 781. Mr. COBURN submitted an amendment intended to be proposed by him to the

concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 782. Ms. COLLINS (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 783. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 784. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 785. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 786. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 787. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 788. Mr. BARRASSO (for himself, Mr. WYDEN, Mr. CRAPO, Mr. MERKLEY, Mr. KYL, Mr. ENZI, Mr. BENNETT, and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 789. Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 790. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 791. Mr. CRAPO (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 792. Mr. ALEXANDER (for himself, Mr. ENZI, Mr. GREGG, Mr. JOHANNS, Mr. BUNNING, Mr. GRAHAM, Mr. ISAKSON, Ms. MURKOWSKI, Mr. CORKER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 793. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 794. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 795. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 796. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 797. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 798. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 799. Mr. BENNET (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 800. Mr. SANDERS (for himself, Mr. BUNNING, Mr. FEINGOLD, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res . 13, supra; which was ordered to lie on the table.

SA 801. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 802. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 803. Mr. THUNE (for himself, Mr. BENNET, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 804. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 739.** Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

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

**SEC. _____. LIMITATION ON BUDGET RESOLUTIONS INCREASING THE PUBLIC DEBT.**

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any budget resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009.

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

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

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

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) SUNSET.—This section shall expire on September 30, 2010.

**SA 740.** Mr. VOINOVICH (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

**SEC. ____. DEFICIT NEUTRAL RESERVE FUND FOR A BIPARTISAN PROCESS TO REDUCE THE LONG-TERM FISCAL GAP.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for the creation of a bipartisan commission, task force, or other entity, with a membership that includes sitting Members of Congress, to recommend solutions that Congress will consider under expedited procedures to—

(1) address the long-term fiscal imbalance;

(2) increase net national savings to spur investment and growth; and

(3) improve the budget process to emphasize the long term;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 741.** Mr. BARRASSO (for himself, Mr. INHOFE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PROHIBITION ON GENERATION OF REVENUES FROM CERTAIN INDIVIDUALS AND ENTITIES.**

Notwithstanding any other provision of this Act, no revenue shall be generated pursuant to this Act from any individual or entity as a result of a tax or fee imposed on the individual or entity under a program to regulate carbon dioxide, nitrogen oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

**SA 742.** Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 57, strike line 23 and insert the following:

casting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

**SA 743.** Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 1, after ''energy,'' insert ''increase domestic energy exploration and production,''.

---

**SA 744.** Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR MAINTENANCE OF ON-GOING DETAINEE OPERATIONS AT NAVAL STATION GUANTANAMO BAY, CUBA.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funding of detainee operations at Naval Station Guantanamo Bay, Cuba, and prohibit funding of the transfer of detainees at Naval Station Guantanamo Bay, Cuba, to any facility in the United States or its territories, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 745.** Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, between lines 4 and 5, insert the following:

**SEC. 306. LIMITATIONS ON LEGISLATION THAT WOULD DECREASE DOMESTIC ENERGY EXPLORATION OR PRODUCTION.**

(a) DEFINITION OF LEGISLATION.—In this section, the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, on a point of order being made by any Senator against the legislation, or any part of the legislation, as a result of which a determination described in paragraph (2) is made, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination made by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Federal Government agencies, on the request of a Senator for review of the legislation, that the legislation, or portion of the legislation, would, if enacted, decrease domestic energy exploration or production.

(c) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as the ruling applies to all or part of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (b)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or designees.

---

**SA 746.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 747.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

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

**SEC. ____. LIMIT ON PUBLIC DEBT.**

(a) FEDERAL SPENDING LIMIT POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any budget resolution, bill, joint resolution, amendment, or conference report that would exceed the limit on public debt for any fiscal year covered therein.

(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the Senate only by the affirmative roll call vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(4) FORM OF POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974

(b) DEFINITIONS.—In this section:

(1) LIMIT ON PUBLIC DEBT.—The term ''limit on public debt'' means a level of public debt for a fiscal year in the resolution where the ratio of the public debt to GDP is 90 percent.

(2) GDP.—The term ''GDP'' means the gross domestic product for the relevant fiscal year.

---

**SA 748.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 14, decrease the amount by $4,000,000.

On page 4, line 15, decrease the amount by $6,000,000.

On page 4, line 16, decrease the amount by $2,000,000.

On page 4, line 18, increase the amount by $1,000,000.

On page 4, line 23, decrease the amount by $587,000,000.

On page 4, line 24, increase the amount by $409,000,000.

On page 4, line 25, increase the amount by $132,000,000.

On page 5, line 1, increase the amount by $34,000,000.

On page 5, line 2, increase the amount by $1,000,000.

On page 5, line 7, decrease the amount by $587,000,000.

On page 5, line 8, increase the amount by $409,000,000.

On page 5, line 9, increase the amount by $132,000,000.

On page 5, line 10, increase the amount by $34,000,000.

On page 5, line 11, increase the amount by $1,000,000.

On page 5, line 17, decrease the amount by $587,000,000.

On page 5, line 18, decrease the amount by $178,000,000.

On page 5, line 19, decrease the amount by $46,000,000.

On page 5, line 20, decrease the amount by $12,000,000.

On page 5, line 21, decrease the amount by $11,000,000.

On page 5, line 25, decrease the amount by $587,000,000.

On page 6, line 1, decrease the amount by $178,000,000.

On page 6, line 2, decrease the amount by $46,000,000.

On page 6, line 3, decrease the amount by $12,000,000.

On page 6, line 4, decrease the amount by $11,000,000.

On page 18, line 24, increase the amount by $670,000,000.

On page 18, line 25, increase the amount by $20,000,000.

On page 19, line 4, increase the amount by $482,000,000.

On page 19, line 8, increase the amount by $134,000,000.

On page 19, line 12, increase the amount by $34,000,000.

On page 24, line 24, decrease the amount by $670,000,000.

On page 24, line 25, decrease the amount by $603,000,000.

On page 25, line 3, decrease the amount by $67,000,000.

On page 26, line 24, decrease the amount by $4,000,000.

On page 26, line 25, decrease the amount by $4,000,000.

On page 27, line 3, decrease the amount by $6,000,000.

On page 27, line 4, decrease the amount by $6,000,000.

On page 27, line 7, decrease the amount by $2,000,000.

On page 27, line 8, decrease the amount by $2,000,000.

On page 27, line 15, increase the amount by $1,000,000.

On page 27, line 16, increase the amount by $1,000,000.

---

**SA 749.** Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 33, line 21, after ''economy,'', insert ''without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation,''.

---

**SA 750.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 32, line 10, after ''increases;'' insert ''or'' and the following:

(4) provide for a long-term solution to the Sustainable Growth Rate (SGR) formula under section 1848 of the Social Security Act that will protect patient access and provide a more stable source of funding for physicians;

---

**SA 751.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 8, after ''legislation'', insert the following:

''would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and''

---

**SA 752.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR A NONREFUNDABLE TAX CREDIT FOR LONG-TERM CARE INSURANCE PREMIUMS.**

(a) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the application of the provisions described in subsection (b), provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) PROVISIONS DESCRIBED.—The provisions described in this subsection include the allowance of a nonrefundable tax credit for 50 percent of so much of the amount of long-term care insurance premiums paid by the taxpayer as does not exceed $4,000 for—

(1) any dependent beneficiary of the taxpayer, or

(2) any nondependent beneficiary whose adjusted gross income for the taxable year does not exceed 300 percent of the Federal poverty line for such taxable year.

---

**SA 753.** Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. SENSE OF CONGRESS REGARDING THE SECURE TRANSPORTATION OF FIREARMS ON PASSENGER TRAINS.**

It is the sense of Congress that this resolution assumes that Federal financial assistance will not be provided to Amtrak unless Amtrak allows its passengers to securely transport firearms in their checked baggage.

---

**SA 754.** Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR NONREFUNDABLE TAX CREDIT FOR HURRICANE MITIGATION PROPERTY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for a nonrefundable tax credit for 25 percent of so much of the hurricane mitigation property expenditures on a taxpayer's principal residence as does not exceed $5,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 755.** Mr. CASEY (for himself, Ms. STABENOW, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. 2____. DEFICIT NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 756.** Mr. GRAHAM submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR CONSTRUCTION OF SPENT NUCLEAR FUEL RECYCLING FACILITIES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize the construction of 1 or more spent nuclear fuel recycling facilities.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 757.** Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. MARTINEZ, Ms. COLLINS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR REFUNDING OF PAYMENTS MADE FOR DEPOSIT IN NUCLEAR WASTE FUND.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would refund any amount paid by an entity to the Secretary of Energy under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) for deposit in the Nuclear Waste Fund.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 758.** Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 20, line 24, increase the amount by $5,000,000.

On page 21, line 3, increase the amount by $10,000,000.

On page 21, line 4, increase the amount by $5,000,000.

On page 21, line 7, increase the amount by $10,000,000.

On page 21, line 8, increase the amount by $15,000,000.

On page 21, line 12, increase the amount by $25,000,000.

On page 21, line 16, increase the amount by $20,000,000.

On page 27, line 23, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $10,000,000.

On page 28, line 3, decrease the amount by $5,000,000.

On page 28, line 6, decrease the amount by $10,000,000.

On page 28, line 7, decrease the amount by $15,000,000.

On page 28, line 11, decrease the amount by $25,000,000.

On page 28, line 15, decrease the amount by $20,000,000.

---

**SA 759.** Mr. BENNETT (for himself, Mr. THUNE, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 9, after ''purposes,'' insert ''provided that such legislation would not result in diminishing a taxpayers' ability to deduct charitable contributions as an offset to pay for such purposes, and'',

---

**SA 760.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING FOREIGN OIL DEPENDENCE.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would allow—

(1) the construction of at least 100 new nuclear power plants by calendar year 2030;

(2) the electrification of at least ½ of the cars and trucks in the United States during the 20-year period beginning on the date of approval of this resolution;

(3) making solar power cost-competitive with power from fossil fuels;

(4) the capture and storage of carbon dioxide emissions from coal power plants;

(5) the safe reprocessing and storage of nuclear waste;

(6) making advanced biofuels cost-competitive with gasoline;

(7) the conservation and efficient use of energy by buildings; and

(8) the development of oil and natural gas resources beneath the outer Continental Shelf.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 761.** Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR ASSISTANCE FOR WORKFORCE RECOVERY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a tuition assistance program for qualifying workers who become unemployed as a result of the recent economic recession to enable those workers to obtain education and training to contribute to the economic recovery, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 762.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

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

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

---

**SA 763.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BENNET, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs.

HUTCHISON, Mr. KYL, Mr. PRYOR, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 17, line 22, increase the amount by $ 30,000,000.
On page 17, line 23, increase the amount by $ 3,000,000.
On page 18, line 3, increase the amount by $ 11,000,000.
On page 18, line 7, increase the amount by $ 9,000,000.
On page 18, line 11, increase the amount by $ 7,000,000.
On page 24, line 24, increase the amount by $ 520,000,000.
On page 24, line 25, increase the amount by $ 406,000,000.
On page 25, line 4, increase the amount by $ 62,000,000.
On page 25, line 8, increase the amount by $ 52,000,000.
On page 27, line 23, decrease the amount by $ 550,000,000.
On page 27, line 24, decrease the amount by $ 409,000,000.
On page 28, line 3, decrease the amount by $ 73,000,000.
On page 28, line 7, decrease the amount by $ 61,000,000.
On page 28, line 11, decrease the amount by $ 7,000,000.

---

**SA 764.** Mr. CARPER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. _____. DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.**

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

---

**SA 765.** Mr. BARRASSO (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, lines 19 and 20, after ''emissions'' insert the following: ''(without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)''.

---

**SA 766.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 14, decrease the amount by $4,000.
On page 4, line 15, decrease the amount by $6,000.
On page 4, line 16, decrease the amount by $2,000.
On page 4, line 18, increase the amount by $1,000.
On page 4, line 23, decrease the amount by $587,000.
On page 4, line 24, increase the amount by $409,000.
On page 4, line 25, increase the amount by $132,000.
On page 5, line 1, increase the amount by $34,000.
On page 5, line 2, increase the amount by $1,000.
On page 5, line 7, decrease the amount by $587,000.
On page 5, line 8, increase the amount by $409,000.
On page 5, line 9, increase the amount by $132,000.
On page 5, line 10, increase the amount by $34,000.
On page 5, line 11, increase the amount by $1,000.
On page 5, line 17, decrease the amount by $587,000.
On page 5, line 18, decrease the amount by $178,000.
On page 5, line 19, decrease the amount by $46,000.
On page 5, line 20, decrease the amount by $12,000.
On page 5, line 21, decrease the amount by $11,000.
On page 5, line 25, decrease the amount by $587,000.
On page 6, line 1, decrease the amount by $178,000.
On page 6, line 2, decrease the amount by $46,000.
On page 6, line 3, decrease the amount by $12,000.
On page 6, line 4, decrease the amount by $11,000.
On page 18, line 24, increase the amount by $670,000.
On page 18, line 25, increase the amount by $20,000.
On page 19, line 4, increase the amount by $482,000.
On page 19, line 8, increase the amount by $134,000.
On page 19, line 12, increase the amount by $34,000.
On page 24, line 24, decrease the amount by $670,000.
On page 24, line 25, decrease the amount by $603,000.
On page 25, line 3, decrease the amount by $67,000.
On page 26, line 24, decrease the amount by $4,000.
On page 26, line 25, decrease the amount by $4,000.
On page 27, line 3, decrease the amount by $6,000.
On page 27, line 4, decrease the amount by $6,000.
On page 27, line 7, decrease the amount by $2,000.
On page 27, line 8, decrease the amount by $2,000.
On page 27, line 15, increase the amount by $1,000.
On page 27, line 16, increase the amount by $1,000.

---

**SA 767.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

Strike all after the resolving clause and insert the following:

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.**

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2019.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.
TITLE I—RECOMMENDED LEVELS AND AMOUNTS
Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2009 through 2019:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: $1,506,214,000,000
Fiscal year 2010: $1,620,923,000,000
Fiscal year 2011: $1,891,235,000,000
Fiscal year 2012: $2,191,642,000,000
Fiscal year 2013: $2,328,923,000,000
Fiscal year 2014: $2,428,728,000,000
Fiscal year 2015: $2,553,559,000,000
Fiscal year 2016: $2,657,797,000,000
Fiscal year 2017: $2,772,027,000,000
Fiscal year 2018: $2,875,005,000,000
Fiscal year 2019: $2,981,919,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: −$26,356,000,000
Fiscal year 2010: −$45,063,000,000
Fiscal year 2011: −$197,396,000,000
Fiscal year 2012: −$168,750,000,000
Fiscal year 2013: −$186,414,000,000
Fiscal year 2014: −$204,930,000,000
Fiscal year 2015: −$222,393,000,000
Fiscal year 2016: −$239,232,000,000
Fiscal year 2017: −$256,958,000,000
Fiscal year 2018: −$275,802,000,000
Fiscal year 2019: −$297,114,000,000

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: $3,806,249,000,000
Fiscal year 2010: $3,010,132,000,000
Fiscal year 2011: $2,873,802,000,000
Fiscal year 2012: $2,968,495,000,000
Fiscal year 2013: $3,166,721,000,000
Fiscal year 2014: $3,366,006,000,000
Fiscal year 2015: $3,536,722,000,000
Fiscal year 2016: $3,744,651,000,000
Fiscal year 2017: $3,908,438,000,000
Fiscal year 2018: $4,082,775,000,000
Fiscal year 2019: $4,336,528,000,000

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: $3,481,404,000,000
Fiscal year 2010: $3,115,189,000,000
Fiscal year 2011: $2,983,337,000,000
Fiscal year 2012: $2,981,825,000,000
Fiscal year 2013: $3,148,301,000,000
Fiscal year 2014: $3,333,492,000,000
Fiscal year 2015: $3,495,975,000,000
Fiscal year 2016: $3,704,268,000,000
Fiscal year 2017: $3,863,815,000,000
Fiscal year 2018: $4,029,783,000,000
Fiscal year 2019: $4,289,666,000,000

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: −$1,975,190,000,000
Fiscal year 2010: −$1,494,266,000,000
Fiscal year 2011: −$1,092,102,000,000
Fiscal year 2012: −$790,183,000,000
Fiscal year 2013: −$819,378,000,000
Fiscal year 2014: −$904,764,000,000
Fiscal year 2015: −$942,416,000,000
Fiscal year 2016: −$1,046,471,000,000
Fiscal year 2017: −$1,091,788,000,000
Fiscal year 2018: −$1,154,778,000,000
Fiscal year 2019: −$1,307,747,000,000

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: $12,326,613,000,000
Fiscal year 2010: $13,888,337,000,000
Fiscal year 2011: $15,128,912,000,000
Fiscal year 2012: $16,263,504,000,000
Fiscal year 2013: $17,380,767,000,000
Fiscal year 2014: $18,622,494,000,000
Fiscal year 2015: $19,874,761,000,000
Fiscal year 2016: $21,211,167,000,000
Fiscal year 2017: $22,601,575,000,000
Fiscal year 2018: $23,455,122,000,000
Fiscal year 2019: $25,047,452,000,000

(6) DEBT HELD BY THE PUBLIC.—the appropriate levels of debt held by the public are as follows:

Fiscal year 2009: $7,986,743,000,000
Fiscal year 2010: $9,319,225,000,000
Fiscal year 2011: $10,292,347,000,000
Fiscal year 2012: $11,055,470,000,000
Fiscal year 2013: $11,770,311,000,000
Fiscal year 2014: $12,627,557,000,000
Fiscal year 2015: $13,508,242,000,000
Fiscal year 2016: $14,490,799,000,000
Fiscal year 2017: $15,522,867,000,000
Fiscal year 2018: $16,012,579,000,000
Fiscal year 2019: $17,277,376,000,000

**SEC. 102. SOCIAL SECURITY.**

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: $653,117,000,000
Fiscal year 2010: $668,208,000,000
Fiscal year 2011: $694,864,000,000
Fiscal year 2012: $726,045,000,000
Fiscal year 2013: $766,065,000,000
Fiscal year 2014: $802,166,000,000
Fiscal year 2015: $833,660,000,000
Fiscal year 2016: $864,219,000,000
Fiscal year 2017: $897,639,000,000
Fiscal year 2018: $ 932,416,000,000
Fiscal year 2019: $ 968,428,000,000

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: $ 513,029,000,000
Fiscal year 2010: $ 543,632,000,000
Fiscal year 2011: $ 563,612,000,000
Fiscal year 2012: $ 585,701,000,000
Fiscal year 2013: $ 610,568,000,000
Fiscal year 2014: $ 637,346,000,000
Fiscal year 2015: $ 667,742,000,000
Fiscal year 2016: $ 704,079,000,000
Fiscal year 2017: $ 745,446,000,000
Fiscal year 2018: $ 790,460,000,000
Fiscal year 2019: $ 838,736,000,000

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:
(A) New budget authority, $ 5,296,000,000
(B) Outlays, $ 4,945,000,000
Fiscal year 2010:
(A) New budget authority, $ 6,072,000,000
(B) Outlays, $ 5,934,000,000
Fiscal year 2011:
(A) New budget authority, $ 6,568,000,000
(B) Outlays, $ 6,433,000,000
Fiscal year 2012:
(A) New budget authority, $ 6,895,000,000
(B) Outlays, $ 6,809,000,000
Fiscal year 2013:
(A) New budget authority, $ 7,223,000,000
(B) Outlays, $ 7,148,000,000
Fiscal year 2014:
(A) New budget authority, $7599,000,000.
(B) Outlays, $7,517,000,000.
Fiscal year 2015:
(A) New budget authority, $7,859,000,000.
(B) Outlays, $7,793,000,000.
Fiscal year 2016:
(A) New budget authority, $8,129,000,000.
(B) Outlays, $8,071,000,000.
Fiscal year 2017:
(A) New budget authority, $8,409,000,000.
(B) Outlays, $8,348,000,000.
Fiscal year 2018:
(A) New budget authority, $8,701,000,000.
(B) Outlays, $8,637,000,000.
Fiscal year 2019:
(A) New budget authority, $9,003,000,000.
(B) Outlays, $8,937,000,000.

**SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2009:
(A) New budget authority, $253,000,000.
(B) Outlays, $253,000,000.
Fiscal year 2010:
(A) New budget authority, $262,000,000.
(B) Outlays, $262,000,000.
Fiscal year 2011:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2012:
(A) New budget authority, $272,000,000
(B) Outlays, $272,000,000
Fiscal year 2013:
(A) New budget authority, $277,000,000
(B) Outlays, $277,000,000
Fiscal year 2014:
(A) New budget authority, $283,000,000
(B) Outlays, $283,000,000
Fiscal year 2015:
(A) New budget authority, $291,000,000
(B) Outlays, $291,000,000
Fiscal year 2016:
(A) New budget authority, $299,000,000
(B) Outlays, $299,000,000
Fiscal year 2017:
(A) New budget authority, $309,000,000
(B) Outlays, $309,000,000
Fiscal year 2018:
(A) New budget authority, $318,000,000
(B) Outlays, $318,000,000
Fiscal year 2019:
(A) New budget authority, $329,000,000
(B) Outlays, $329,000,000

**SEC. 104. MAJOR FUNCTIONAL CATEGORIES.**

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) National Defense (050):
Fiscal year 2009:
(A) New budget authority, $693,557,000,000.
(B) Outlays, $671,725,000,000.
Fiscal year 2010:
(A) New budget authority, $692,033,000,000,
(B) Outlays, $695,958,000,000.
Fiscal year 2011:
(A) New budget authority, $620,107,000,000.
(B) Outlays, $663,045,000,000.
Fiscal year 2012:
(A) New budget authority, $629,135,000,000.
(B) Outlays, $642,573,000,000.
Fiscal year 2013:
(A) New budget authority, $639,895,000,000.
(B) Outlays, $641,785,000,000.
Fiscal year 2014:
(A) New budget authority, $653,828,000,000.
(B) Outlays, $647,204,000,000.
Fiscal year 2015:
(A) New budget authority, $668,701,000,000.
(B) Outlays, $659,186,000,000.
Fiscal year 2016:
(A) New budget authority, $683,838,000,000.
(B) Outlays, $677,476,000,000.
Fiscal year 2017:
(A) New budget authority, $699,413,000,000.
(B) Outlays, $688,746,000,000.
Fiscal year 2018:
(A) New budget authority, $715,461,000,000.
(B) Outlays, $700,004,000,000.
Fiscal year 2019:
(A) New budget authority, $731,938,000,000.
(B) Outlays, $720,483,000,000.

(2) INTERNATIONAL AFFAIRS (150):
Fiscal year 2009:
(A) New budget authority, $55,333,000,000.
(B) Outlays, $38,011,000,000.
Fiscal year 2010:
(A) New budget authority, $ 50,670,000,000.
(B) Outlays, $ 48,856,000,000.
Fiscal year 2011:
(A) New budget authority, $ 54,536,000,000.
(B) Outlays, $ 54,103,000,000.
Fiscal year 2012:
(A) New budget authority, $ 59,170,000,000.
(B) Outlays, $ 57,964,000,000.
Fiscal year 2013:
(A) New budget authority, $ 64,624,000,000.
(B) Outlays, $ 61,581,000,000.
Fiscal year 2014:
(A) New budget authority, $ 69,909,000,000.
(B) Outlays, $ 64,942,000,000.
Fiscal year 2015:
(A) New budget authority, $ 75,829,000,000
(B) Outlays, $ 69,191,000,000.
Fiscal year 2016:
(A) New budget authority, $ 77,429,000,000.
(B) Outlays, $ 71,890,000,000.
Fiscal year 2017:
(A) New budget authority, $ 79,053,000,000.
(B) Outlays, $ 73,955,000,000.
Fiscal year 2018:
(A) New budget authority, $ 80,702,000,000.
(B) Outlays, $ 75,719,000,000.
Fiscal year 2019:
(A) New budget authority, $ 82,386,000,000.
(B) Outlays, $ 77,394,000,000.

(3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250):
Fiscal year 2009:
(A) New budget authority, $ 35,389,000,000.

(B) Outlays, $ 30,973,000,000.
Fiscal year 2010:
(A) New budget authority, $31,139,000,000.
(B) Outlays, $32,467,000,000.
Fiscal year 2011:
(A) New budget authority, $31,493,000,000.
(B) Outlays, $32,407,000,000.
Fiscal year 2012:
(A) New budget authority, $33,373,000,000.
(B) Outlays, $32,465,000,000.
Fiscal year 2013:
(A) New budget authority, $34,419,000,000.
(B) Outlays, $33,614,000,000.
Fiscal year 2014:
(A) New budget authority, $35,686,000,000.
(B) Outlays, $34,835,000,000.
Fiscal year 2015:
(A) New budget authority, $37,061,000,000.
(B) Outlays, $35,852,000,000.
Fiscal year 2016:
(A) New budget authority, $38,516,000,000.
(B) Outlays, $37,643,000,000.
Fiscal year 2017:
(A) New budget authority, $38,934,000,000.
(B) Outlays, $38,429,000,000.
Fiscal year 2018:
(A) New budget authority, $39,565,000,000.
(B) Outlays, $39,063,000,000.
Fiscal year 2019:
(A) New budget authority, $40,210,000,000.
(B) Outlays, $39,711,000,000.
(4) Energy (270):
Fiscal year 2009:
(A) New budget authority, $43,919,000,000.
(B) Outlays, $2,952,000,000.
Fiscal year 2010:
(A) New budget authority, $4,489,000,000.
(B) Outlays, $6,258,000,000.
Fiscal year 2011:
(A) New budget authority, $4,404,000,000.
(B) Outlays, $8,936,000,000.
Fiscal year 2012:
(A) New budget authority, $19,427,000,000.
(B) Outlays, $12,286,000,000.
Fiscal year 2013:
(A) New budget authority, $19,619,000,000.
(B) Outlays, $13,746,000,000.
Fiscal year 2014:
(A) New budget authority, $19,540,000,000.
(B) Outlays, $14,539,000,000.
Fiscal year 2015:
(A) New budget authority, $19,454,000,000.
(B) Outlays, $13,633,000,000.
Fiscal year 2016:
(A) New budget authority, $19,374,000,000.
(B) Outlays, $14,857,000,000.
Fiscal year 2017:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $17,355,000,000.
Fiscal year 2018:
(A) New budget authority, $18,664,000,000.
(B) Outlays, $17,643,000,000.
Fiscal year 2019:
(A) New budget authority, $18,096,000,000.
(B) Outlays, $17,506,000,000.
(5) NATURAL RESOURCES AND ENVIRONMENT (300):
Fiscal year 2009:
(A) New budget authority, $56,009,000,000.
(B) Outlays, $36,834,000,000.
Fiscal year 2010:
(A) New budget authority, $37,293,000,000.
(B) Outlays, $40,361,000,000.
Fiscal year 2011:
(A) New budget authority, $38,509,000,000.
(B) Outlays, $40,146,000,000.
Fiscal year 2012:
(A) New budget authority, $39,159,000,000.
(B) Outlays, $39,968,000,000.
Fiscal year 2013:
(A) New budget authority, $39,257,000,000.
(B) Outlays, $39,663,000,000.
Fiscal year 2014:
(A) New budget authority, $39,924,000,000.
(B) Outlays, $39,864,000,000.
Fiscal year 2015:
(A) New budget authority, $40,075,000,000.
(B) Outlays, $39,889,000,000.
Fiscal year 2016:
(A) New budget authority, $40,843,000,000.
(B) Outlays, $40,612,000,000.
Fiscal year 2017:
(A) New budget authority, $41,217,000,000.
(B) Outlays, $41,027,000,000.
Fiscal year 2018:
(A) New budget authority, $42,342,000,000.
(B) Outlays, $40,973,000,000.
Fiscal year 2019:
(A) New budget authority, $43,007,000,000.
(B) Outlays, $41,424,000,000.
(6) AGRICULTURE (350):
Fiscal year 2009:
(A) New budget authority, $24,974,000,000.
(B) Outlays, $23,070,000,000.
Fiscal year 2010:
(A) New budget authority, $23,610,000,000.
(B) Outlays, $23,871,000,000.
Fiscal year 2011:
(A) New budget authority, $23,697,000,000.
(B) Outlays, $23,534,000,000.
Fiscal year 2012:
(A) New budget authority, $20,494,000,000.
(B) Outlays, $16,374,000,000.
Fiscal year 2013:
(A) New budget authority, $20,893,000,000.
(B) Outlays, $20,464,000,000.
Fiscal year 2014:
(A) New budget authority, $21,616,000,000.
(B) Outlays, $20,603,000,000.
Fiscal year 2015:
(A) New budget authority, $21,016,000,000.
(B) Outlays, $19,968,000,000.
Fiscal year 2016:
(A) New budget authority, $21,123,000,000.
(B) Outlays, $20,225,000,000.
Fiscal year 2017:
(A) New budget authority, $21,362,000,000.
(B) Outlays, $20,412,000,000.
Fiscal year 2018:
(A) New budget authority, $21,967,000,000.
(B) Outlays, $20,998,000,000.
Fiscal year 2019:
(A) New budget authority, $22,599,000,000.
(B) Outlays, $21,455,000,000.
(7) COMMERCE AND HOUSING CREDIT (370):
Fiscal year 2009:
(A) New budget authority, $819,699,000,000.
(B) Outlays, $790,671,000,000.
Fiscal year 2010:
(A) New budget authority, $186,483,000,000.
(B) Outlays, $210,215,000,000.
Fiscal year 2011:
(A) New budget authority, $25,624,000,000.
(B) Outlays, $37,544,000,000.
Fiscal year 2012:
(A) New budget authority, $8,132,000,000.
(B) Outlays, $7,478,000,000.
Fiscal year 2013:
(A) New budget authority, $15,716,000,000.
(B) Outlays, $4,304,000,000.
Fiscal year 2014:
(A) New budget authority, $9,594,000,000.
(B) Outlays, −$3,892,000,000.
Fiscal year 2015:
(A) New budget authority, $10,013,000,000.
(B) Outlays, −$5,730,000,000.
Fiscal year 2016:
(A) New budget authority, $9,855,000,000.
(B) Outlays, −$5,690,000,000.
Fiscal year 2017:
(A) New budget authority, $14,860,000,000.
(B) Outlays, $27,000,000.
Fiscal year 2018:
(A) New budget authority, $15,379,000,000.
(B) Outlays, −$1,512,000,000.
Fiscal year 2019:
(A) New budget authority, $17,999,000,000.
(B) Outlays, $4,842,000,000.
(8) TRANSPORTATION (400):
Fiscal year 2009:
(A) New budget authority, $134,760,000,000.
(B) Outlays, $87,784,000,000.
Fiscal year 2010:
(A) New budget authority, $87,942,000,000.
(B) Outlays, $95,695,000,000.
Fiscal year 2011:
(A) New budget authority, $89,253,000,000.
(B) Outlays, $96,474,000,000.
Fiscal year 2012:
(A) New budget authority, $89,643,000,000.
(B) Outlays, $95,851,000,000.
Fiscal year 2013:
(A) New budget authority, $91,221,000,000.
(B) Outlays, $96,150,000,000.
Fiscal year 2014:
(A) New budget authority, $92,775,000,000.
(B) Outlays, $96,793,000,000.
Fiscal year 2015:
(A) New budget authority, $94,696,000,000.
(B) Outlays, $96,856,000,000.
Fiscal year 2016:
(A) New budget authority, $96,599,000,000.
(B) Outlays, $96,111,000,000.
Fiscal year 2017:
(A) New budget authority, $98,514,000,000.
(B) Outlays, $96,420,000,000.
Fiscal year 2018:
(A) New budget authority, $100,492,000,000.
(B) Outlays, $98,064,000,000.
Fiscal year 2019:
(A) New budget authority, $102,536,000,000.
(B) Outlays, $99,820,000,000.
(9) COMMUNITY AND REGIONAL DEVELOPMENT (450):
Fiscal year 2009:
(A) New budget authority, $ 23,811,000,000.
(B) Outlays, $29,983,000,000.
Fiscal year 2010:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $29,876,000,000.
Fiscal year 2011:
(A) New budget authority, $21,232,000,000.
(B) Outlays, $28,283,000,000.
Fiscal year 2012:
(A) New budget authority, $21,311,000,000.
(B) Outlays, $26,559,000,000.
Fiscal year 2013:
(A) New budget authority, $21,202,000,000.
(B) Outlays, $24,599,000,000.
Fiscal year 2014:
(A) New budget authority, $21,270,000,000.
(B) Outlays, $22,980,000,000.
Fiscal year 2015:
(A) New budget authority, $16,636,000,000.
(B) Outlays, $20,935,000,000.
Fiscal year 2016:
(A) New budget authority, $16,971,000,000.
(B) Outlays, $19,034,000,000.
Fiscal year 2017:
(A) New budget authority, $17,313,000,000.
(B) Outlays, $17,851,000,000.
Fiscal year 2018:
(A) New budget authority, $17,667,000,000.
(B) Outlays, $17,433,000,000.
Fiscal year 2019:
(A) New budget authority, $18,021,000,000.
(B) Outlays, $17,368,000,000.
(10) EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES (500):
Fiscal year 2009:
(A) New budget authority, $164,276,000,000.
(B) Outlays, $73,219,000,000.
Fiscal year 2010:
(A) New budget authority, $84,977,000,000.
(B) Outlays, $133,544,000,000.
Fiscal year 2011:
(A) New budget authority, $104,983,000,000.
(B) Outlays, $130,791,000,000.
Fiscal year 2012:
(A) New budget authority, $114,521,000,000.
(B) Outlays, $114,631,000,000.
Fiscal year 2013:
(A) New budget authority, $122,120,000,000.
(B) Outlays, $118,776,000,000.
Fiscal year 2014:
(A) New budget authority, $129,488,000,000.
(B) Outlays, $124,931,000,000.
Fiscal year 2015:
(A) New budget authority, $133,201,000,000.
(B) Outlays, $131,051,000,000.
Fiscal year 2016:
(A) New budget authority, $139,280,000,000.
(B) Outlays, $135,723,000,000.
Fiscal year 2017:

(A) New budget authority, $144,024,000,000.
(B) Outlays, $140,644,000,000.
Fiscal year 2018:
(A) New budget authority, $148,225,000,000.
(B) Outlays, $145,027,000,000.
Fiscal year 2019:
(A) New budget authority, $152,421,000,000.
(B) Outlays, $149,147,000,000.
(11) HEALTH (550):
Fiscal year 2009:
(A) New budget authority, $380,193,000,000.
(B) Outlays, $354,432,000,000.
Fiscal year 2010:
(A) New budget authority, $383,930,000,000.
(B) Outlays, $388,765,000,000.
Fiscal year 2011:
(A) New budget authority, $365,072,000,000.
(B) Outlays, $367,790,000,000.
Fiscal year 2012:
(A) New budget authority, $370,436,000,000.
(B) Outlays, $369,140,000,000.
Fiscal year 2013:
(A) New budget authority, $390,298,000,000.
(B) Outlays, $384,938,000,000.
Fiscal year 2014:
(A) New budget authority, $400,972,000,000.
(B) Outlays, $400,694,000,000.
Fiscal year 2015:
(A) New budget authority, $424,001,000,000.
(B) Outlays, $421,531,000,000.
Fiscal year 2016:
(A) New budget authority, $448,920,000,000.
(B) Outlays, $446,380,000,000.
Fiscal year 2017:
(A) New budget authority, $480,597,000,000.
(B) Outlays, $477,913,000,000.
Fiscal year 2018:
(A) New budget authority, $511,467,000,000.
(B) Outlays, $508,708,000,000.
Fiscal year 2019:
(A) New budget authority, $545,067,000,000.
(B) Outlays, $542,020,000,000.
(12) MEDICARE (570):
Fiscal year 2009:
(A) New budget authority, $427,076,000,000.
(B) Outlays, $426,736,000,000.
Fiscal year 2010:
(A) New budget authority, $449,168,000,000.
(B) Outlays, $449,663,000,000.
Fiscal year 2011:
(A) New budget authority, $505,060,000,000.
(B) Outlays, $505,182,000,000.
Fiscal year 2012:
(A) New budget authority, $513,741,000,000.
(B) Outlays, $513,808,000,000.
Fiscal year 2013:
(A) New budget authority, $558,013,000,000.
(B) Outlays, $558,459,000,000.
Fiscal year 2014:
(A) New budget authority, $615,870,000,000.
(B) Outlays, $616,140,000,000.
Fiscal year 2015:
(A) New budget authority, $646,347,000,000.
(B) Outlays, $646,087,000,000.
Fiscal year 2016:
(A) New budget authority, $708,661,000,000.
(B) Outlays, $708,707,000,000.
Fiscal year 2017:
(A) New budget authority, $740,700,000,000.
(B) Outlays, $740,379,000,000.
Fiscal year 2018:
(A) New budget authority, $769,611,000,000.
(B) Outlays, $769,180,000,000.
Fiscal year 2019:
(A) New budget authority, $851,759,000,000.
(B) Outlays, $851,275,000,000.
(13) INCOME SECURITY (600):
Fiscal year 2009:
(A) New budget authority, $520,123,000,000.
(B) Outlays, $503,020,000,000.
Fiscal year 2010:
(A) New budget authority, $536,117,000,000.
(B) Outlays, $539,829,000,000.
Fiscal year 2011:
(A) New budget authority, $519,481,000,000.
(B) Outlays, $522,126,000,000.
Fiscal year 2012:
(A) New budget authority, $515,362,000,000.
(B) Outlays, $515,467,000,000.
Fiscal year 2013:
(A) New budget authority, $520,201,000,000.
(B) Outlays, $519,445,000,000.
Fiscal year 2014:
(A) New budget authority, $522,447,000,000.
(B) Outlays, $520,649,000,000.
Fiscal year 2015:
(A) New budget authority, $527,230,000,000.
(B) Outlays, $525,649,000,000.
Fiscal year 2016:
(A) New budget authority, $539,536,000,000.
(B) Outlays, $538,059,000,000.
Fiscal year 2017:
(A) New budget authority, $544,442,000,000.
(B) Outlays, $542,999,000,000.
Fiscal year 2018:
(A) New budget authority, $549,439,000,000.
(B) Outlays, $547,832,000,000.
Fiscal year 2019:
(A) New budget authority, $566,575,000,000.
(B) Outlays, $564,691,000,000.
(14) SOCIAL SECURITY (650):
Fiscal year 2009:
(A) New budget authority, $31,820,000,000.
(B) Outlays, $31,264,000,000.
Fiscal year 2010:
(A) New budget authority, $20,255,000,000.
(B) Outlays, $20,378,000,000.
Fiscal year 2011:
(A) New budget authority, $23,380,000,000.
(B) Outlays, $23,513,000,000.
Fiscal year 2012:
(A) New budget authority, $26,478,000,000.
(B) Outlays, $26,628,000,000.
Fiscal year 2013:
(A) New budget authority, $29,529,000,000.
(B) Outlays, $29,679,000,000.
Fiscal year 2014:
(A) New budget authority, $32,728,000,000.
(B) Outlays, $32,728,000,000.
Fiscal year 2015:
(A) New budget authority, $35,875,000,000.
(B) Outlays, $35,875,000,000.
Fiscal year 2016:
(A) New budget authority, $39,021,000,000.
(B) Outlays, $39,021,000,000.
Fiscal year 2017:
(A) New budget authority, $42,449,000,000.
(B) Outlays, $42,449,000,000.
Fiscal year 2018:
(A) New budget authority, $46,094,000,000.
(B) Outlays, $46,094,000,000.
Fiscal year 2019:
(A) New budget authority, $49,994,000,000.
(B) Outlays, $49,994,000,000.
(15) VETERANS BENEFITS AND SERVICES (700):
Fiscal year 2009:
(A) New budget authority, $97,705,000,000.
(B) Outlays, $94,831,000,000.
Fiscal year 2010:
(A) New budget authority, $105,734,000,000.
(B) Outlays, $104,934,000,000.
Fiscal year 2011:
(A) New budget authority, $112,176,000,000.
(B) Outlays, $111,750,000,000.
Fiscal year 2012:
(A) New budget authority, $107,991,000,000.
(B) Outlays, $107,404,000,000
Fiscal year 2013:
(A) New budget authority, $113,076,000,000.
(B) Outlays, $112,430,000,000.
Fiscal year 2014:
(A) New budget authority, $115,276,000,000.
(B) Outlays, $114,740,000,000.
Fiscal year 2015:
(A) New budget authority, $118,103,000,000.
(B) Outlays, $117,475,000,000.
Fiscal year 2016:
(A) New budget authority, $124,711,000,000.
(B) Outlays, $124,233,000,000.
Fiscal year 2017:
(A) New budget authority, $124,454,000,000.
(B) Outlays, $123,967,000,000.
Fiscal year 2018:
(A) New budget authority, $123,935,000,000.
(B) Outlays, $123,379,000,000.
Fiscal year 2019:
(A) New budget authority, $132,408,000,000.
(B) Outlays, $131,780,000,000.
(16) ADMINISTRATION OF JUSTICE (750):
Fiscal year 2009:
(A) New budget authority, $55,783,000,000.
(B) Outlays, $49,853,000,000.
Fiscal year 2010:
(A) New budget authority, $52,857,000,000.
(B) Outlays, $51,630,000,000.
Fiscal year 2011:
(A) New budget authority, $53,892,000,000.
(B) Outlays, $55,503,000,000.
Fiscal year 2012:
(A) New budget authority, $53,738,000,000.
(B) Outlays, $55,441,000,000.
Fiscal year 2013:
(A) New budget authority, $53,569,000,000.
(B) Outlays, $54,526,000,000.
Fiscal year 2014:
(A) New budget authority, $53,452,000,000.
(B) Outlays, $53,563,000,000.
Fiscal year 2015:
(A) New budget authority, $54,399,000,000.
(B) Outlays, $54,305,000,000.
Fiscal year 2016:
(A) New budget authority, $55,374,000,000.
(B) Outlays, $55,217,000,000.
Fiscal year 2017:
(A) New budget authority, $56,374,000,000.
(B) Outlays, $56,175,000,000.
Fiscal year 2018:
(A) New budget authority, $59,207,000,000.
(B) Outlays, $58,985,000,000.
Fiscal year 2019:
(A) New budget authority, $61,626,000,000.
(B) Outlays, $61,401,000,000.
(17) GENERAL GOVERNMENT (800):
Fiscal year 2009:
(A) New budget authority, $30,405,000,000.
(B) Outlays, $24,629,000,000.
Fiscal year 2010:
(A) New budget authority, $22,266,000,000.
(B) Outlays, $23,023,000,000.
Fiscal year 2011:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $23,333,000,000.
Fiscal year 2012:
(A) New budget authority, $22,884,000,000.
(B) Outlays, $23,940,000,000.
Fiscal year 2013:
(A) New budget authority, $22,898,000,000.
(B) Outlays, $23,636,000,000.
Fiscal year 2014:
(A) New budget authority, $23,565,000,000.
(B) Outlays, $23,776,000,000.
Fiscal year 2015:
(A) New budget authority, $25,015,000,000.
(B) Outlays, $25,029,000,000.
Fiscal year 2016:
(A) New budget authority, $25,834,000,000.
(B) Outlays, $25,849,000,000.
Fiscal year 2017:
(A) New budget authority, $26,706,000,000.
(B) Outlays, $26,382,000,000.
Fiscal year 2018:
(A) New budget authority, $27,584,000,000.
(B) Outlays, $27,200,000,000.
Fiscal year 2019:
(A) New budget authority, $28,559,000,000.
(B) Outlays, $27,998,000,000.
(18) NET INTEREST (900):
Fiscal year 2009:
(A) New budget authority, $289,623,000,000.
(B) Outlays, $289,623,000,000.
Fiscal year 2010:
(A) New budget authority, $288,716,000,000.
(B) Outlays, $288,716,000,000.
Fiscal year 2011:
(A) New budget authority, $331,507,000,000.
(B) Outlays, $331,507,000,000.
Fiscal year 2012:
(A) New budget authority, $399,947,000,000.
(B) Outlays, $399,947,000,000.
Fiscal year 2013:
(A) New budget authority, $490,049,000,000.

(B) Outlays, $490,049,000,000.
Fiscal year 2014:
(A) New budget authority, $590,257,000,000.
(B) Outlays, $590,257,000,000.
Fiscal year 2015:
(A) New budget authority, $673,846,000,000.
(B) Outlays, $673,846,000,000.
Fiscal year 2016:
(A) New budget authority, $747,041,000,000.
(B) Outlays, $747,041,000,000.
Fiscal year 2017:
(A) New budget authority, $815,463,000,000.
(B) Outlays, $815,463,000,000.
Fiscal year 2018:
(A) New budget authority, $896,364,000,000.
(B) Outlays, $896,364,000,000.
Fiscal year 2019:
(A) New budget authority, $976,346,000,000.
(B) Outlays, $976,346,000,000.
(19) ALLOWANCES (920):
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2010:
(A) New budget authority, −$11,000,000.
(B) Outlays, −$6,000,000.
Fiscal year 2011:
(A) New budget authority, −$1,016,000,000.
(B) Outlays, −$542,000,000.
Fiscal year 2012:
(A) New budget authority, −$1,367,000,000.
(B) Outlays, −$1,019,000,000.
Fiscal year 2013:
(A) New budget authority, −$1,763,000,000.
(B) Outlays, −$1,428,000,000.
Fiscal year 2014:
(A) New budget authority, −$2,040,000,000.
(B) Outlays, −$1,766,000,000.
Fiscal year 2015:
(A) New budget authority, −$2,074,000,000.
(B) Outlays, −$1,951,000,000.
Fiscal year 2016:
(A) New budget authoriy, −$2,108,000,000.
(B) Outlays, −$2,034,000,000.
Fiscal year 2017:
(A) New budget authority, −$1,943,000,000.
(B) Outlays, −$1,984,000,000.
Fiscal year 2018:
(A) New budget authority, −$1,978,000,000.
(B) Outlays, −$1,969,000,000.
Fiscal year 2019:
(A) New budget authority, −$2,015,000,000.
(B) Outlays, −$1,985,000,000.
(20) UNDISTRIBUTED OFFSETTING RECEIPTS (950):
Fiscal year 2009:
(A) New budget authority, −$78,206,000,000.
(B) Outlays, −$78,206,000,000.
Fiscal year 2010:
(A) New budget authority, −$68,844,000,000.
(B) Outlays, −$68,844,000,000.
Fiscal year 2011:
(A) New budget authority, −$72,088,000,000.
(B) Outlays, −$72,088,000,000.
Fiscal year 2012:
(A) New budget authority, −$75,080,000,000.
(B) Outlays, −$75,080,000,000.
Fiscal year 2013:
(A) New budget authority, −$78,115,000,000.
(B) Outlays, −$78,115,000,000.
Fiscal year 2014:
(A) New budget authority, −$80,151,000,000.
(B) Outlays, −$80,151,000,000.
Fiscal year 2015:
(A) New budget authority, −$82,702,000,000.
(B) Outlays, −$82,702,000,000.
Fiscal year 2016:
(A) New budget authority, −$86,167,000,000.
(B) Outlays, −$86,167,000,000.
Fiscal year 2017:
(A) New budget authority, −$94,794,000,000.
(B) Outlays, −$94,794,000,000.
Fiscal year 2018:
(A) New budget authority, −$99,412,000,000.
(B) Outlays, −$99,412,000,000.
Fiscal year 2019:
(A) New budget authority, −$103,004,000,000.
(B) Outlays, −$103,004,000,000.

---

**SA 768.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 23, after ''purposes,'' insert ''provided that such legislation would not result in a direct or indirect increase in energy prices to individuals with adjusted gross incomes of less than $200,000 or families with adjusted gross incomes of less than $250,000, and''.

---

**SA 769.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $8,608,000,000.
On page 3, line 15, decrease the amount by $105,822,000,000.
On page 4, line 8, increase the amount by $8,608,000,000.
On page 4, line 9, increase the amount by $105,822,000,000.
On page 4, line 17, increase the amount by $179,046,000.
On page 4, line 18, increase the amount by $2,901,367,000.
On page 5, line 1, increase the amount by $179,046,000.
On page 5, line 2, increase the amount by $2,901,367,000.
On page 5, line 10, increase the amount by $8,787,046,000.
On page 5, line 11, increase the amount by $108,723,367,000.
On page 5, line 20, increase the amount by $8,787,046,000.
On page 5, line 21, increase the amount by $117,510,413,000.
On page 6, line 3, increase the amount by $8,787,046,000.
On page 6, line 4, increase the amount by $117,510,413,000.
On page 27, line 11, increase the amount by $179,046,000.
On page 27, line 12, increase the amount by $179,046,000.
On page 27, line 15, increase the amount by $2,901,367,000.
On page 27, line 16, increase the amount by $2,901,367,000.

---

**SA 770.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVENTORY OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS RESOURCES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow the Secretary of the Interior to conduct the comprehensive inventory of the outer Continental Shelf under section 357 of the Energy Policy Act of 2005 (42 U.S.C. 15912);

(2) provide that the inventory conducted under paragraph (1) would not affect the current 5-year program or the program for 2010-2015 developed under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(3) provide that the Secretary of the Interior shall conduct a lease sale in any prospective area identified through the inventory and analysis conducted under paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 771.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. BORDER FENCE CONSTRUCTION.**

(a) IN GENERAL.—If a bill or joint resolution, which appropriates an amount for fiscal year 2010 that is less than $2,600,000,000 for activities described in section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), is reported in the Senate, the Chairman of the Committee on the Budget of the Senate shall reduce the discretionary spending limits under section 301, allocations to the Committee on Appropriations of the Senate (pursuant to section 302(a) of the Congressional Budget Act of 1974), and budgetary aggregates by the difference between $2,600,000,000 and the amount provided in such bill or joint resolution for fiscal year 2010 for such activities.

(b) REVISIONS.—Following any adjustment under subparagraph (a), the Committee on Appropriations of the Senate shall report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out the activities described in section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

---

**SA 772.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels

for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 14, decrease the amount by $34,170,000,000.
On page 4, line 15, decrease the amount by $38,847,000,000.
On page 4, line 16, decrease the amount by $45,300,000,000.
On page 4, line 17, decrease the amount by $50,655,000,000.
On page 4, line 18, decrease the amount by $57,729,000,000.
On page 4, line 23, decrease the amount by $23,170,000,000.
On page 4, line 24, decrease the amount by $37,847,000,000.
On page 4, line 25, decrease the amount by $43,300,000,000.
On page 5, line 1, decrease the amount by $49,655,000,000.
On page 5, line 2, decrease the amount by $56,729,000,000,000.
On page 5, line 7, decrease the amount by $23,170,000,000.
On page 5, line 8, decrease the amount by $37,847,000,000.
On page 5, line 9, decrease the amount by $43,300,000,000.
On page 5, line 10, decrease the amount by $49,655,000,000.
On page 5, line 11, decrease the amount by $56,729,000,000,000.
On page 5, line 17, decrease the amount by $23,170,000,000.
On page 5, line 18, decrease the amount by $61,018,000,000.
On page 5, line 19, decrease the amount by $104,317,000,000.
On page 5, line 20, decrease the amount by $153,972,000,000.
On page 5, line 21, decrease the amount by $210,701,000,000.
On page 5, line 25, decrease the amount by $23,170,000,000.
On page 6, line 1, decrease the amount by $61,018,000,000.
On page 6, line 2, decrease the amount by $104,317,000,000.
On page 6, line 3, decrease the amount by $153,972,000,000.
On page 6, line 4, decrease the amount by $210,701,000,000.
On page 26, line 24, decrease the amount by $170,000,000.
On page 26, line 25, decrease the amount by $170,000,000.
On page 27, line 3, decrease the amount by $847,000,000.
On page 27, line 4, decrease the amount by $847,000,000.
On page 27, line 7, decrease the amount by $2,300,000,000.
On page 27, line 8, decrease the amount by $2,300,000,000.
On page 27, line 11, decrease the amount by $4,655,000,000.
On page 27, line 12, decrease the amount by $4,655,000,000.
On page 27, line 15, decrease the amount by $7,729,000,000.
On page 27, line 16, decrease the amount by $7,729,000,000.
On page 27, line 23, decrease the amount by $34,000,000,000.
On page 27, line 24, decrease the amount by $23,000,000,000.
On page 28, line 2, decrease the amount by $38,000,000,000.
On page 28, line 3, decrease the amount by $37,000,000,000.
On page 28, line 6, decrease the amount by $43,000,000,000.
On page 28, line 7, decrease the amount by $41,000,000,000.
On page 28, line 10, decrease the amount by $46,000,000,000.
On page 28, line 11, decrease the amount by $45,000,000,000.
On page 28, line 14, decrease the amount by $50,000,000,000.
On page 28, line 15, decrease the amount by $49,000,000,000.
On page 50, line 13, decrease the amount by $34,000,000,000.
On page 50, line 14, decrease the amount by $23,000,000,000.

---

**SA 773.** Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. _____. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 774.** Mrs. LINCOLN (for herself, Ms. COLLINS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

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

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

---

**SA 775.** Mrs. LINCOLN (for herself, Mr. CRAPO, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

---

**SA 776.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.**

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

---

**SA 777.** Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.**

(a) POINT OF ORDER.—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of

order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(c) LEGISLATION DEFINED.—In this section, the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(d) TERMINATION.—The provisions of this section shall terminate on December 31, 2012.

---

**SA 778.** Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. TARP OFFSET.**

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that provides additional funding for the TARP program unless the measure provides an offsetting reduction in the discretionary spending caps set forth in section 301 of this resolution.

(b) MATTER STRICKEN.—If the point of order prevails under subsection (a), the provision shall be stricken in accordance with the procedures provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVERS AND APPEALS.—

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

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 779.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SENSE OF THE SENATE REGARDING UNWARRANTED TAXPAYER FUNDED BONUSES.**

(a) FINDINGS.—The Senate finds the following:

(1) Taxpayers are outraged that American International Group Inc. (AIG), the insurer bailed out with $182.5 billion from the United States Government, awarded $165 million of bonuses to the Financial Products unit, which nearly bankrupted the company. The bonuses were paid less than 2 weeks after AIG reported a $61.7 billion loss for the fourth quarter, the largest in United States corporate history.

(2) The $165 million of bonuses paid to AIG employees is dwarfed by the billions of dollars of bonuses paid out to Federal contractors and senior government officials responsible for projects and programs that were over budget or failed to meet basic performance requirements.

(3) The Department of Defense paid $8 billion in unwarranted bonuses to contractors for weapons programs that had severe cost overruns, performance problems, and delays between 1999 and 2004.

(4) The Centers for Medicare and Medicaid Services pays more than $312 million per year in quality-of-care bonuses to nursing homes that provide below average care and have past violations of health-and-safety regulations.

(5) The National Aeronautics and Space Administration (NASA) paid Boeing a bonus of $425.3 million for work on the space station that ran 8 years late and cost more than twice what was expected. Boeing estimates that it will incur an additional $76 million in overruns by the time the contract is completed.

(6) NASA paid Raytheon a $103.2 million bonus for the Earth Observing System Data and Information System despite the project costing $430 million more and taking 2 years longer to complete than expected.

(7) Lockheed collected a $17 million bonus from NASA for the Landsat-7 satellite even though the project was delayed 9 months even and the costs rose 20 percent to $409.6 million.

(8) The Department of Commerce selected Northrop Grumman in 2002 to build a $6.5 billion satellite system that would conduct both weather surveillance and military reconnaissance that was supposed to save the Federal Government $1.6 billion. The first launch was scheduled for 2008 but hasn't happened, the project's budget has doubled to $13.1 billion, and Northrop's performance has been deemed unsatisfactory. Yet, from 2002 to 2005, the Federal Government awarded Northrop $123 million worth of bonuses.

(9) In 2007, Harris Corp. developed a handheld device to collect data for the 2010 Census that failed to work properly and was $198 million over budget. Despite this costly failure that could cause delays in preparing for the nationwide head count, the Department of Commerce's Census Bureau awarded Harris $14.2 million in bonuses.

(10) The Federal National Mortgage Association, a government sponsored mortgage enterprise better known as Fannie Mae, suffered $59 billion in losses last year and has requested $15 billion in taxpayer assistance. Yet it plans to pay $4.4 million or more in bonuses to its top executives. Fannie Mae's Chief Operating Officer is expected to receive a $1.3 million bonus, the Deputy Chief Financial Officer is slated for $1.1 million, and 2 executive vice presidents are each in line for $1 million each.

(11) In 2006, more than $3.8 million in bonuses were paid out to senior officials at the Department of Veterans Affairs months after a $1 billion budget shortfall threatened to imperil the care of thousands of injured veterans returning from combat in Iraq and Afghanistan. Among those receiving bonuses were some who crafted the VA's flawed budget that was based on misleading accounting and the Deputy Undersecretary for Benefits, who helped manage a disability claims system that had a backlog of cases and delays averaging 177 days in getting benefits to injured veterans. The bonuses were awarded after Federal Government investigators had determined the VA repeatedly miscalculated, if not deliberately misled, taxpayers with questionable budgeting.

(12) In 2006, the Department of Treasury abandoned a $14.7 million computer project intended to help detect terrorist money laundering. The failed project was 65 percent over its original budget, but the vendor, Electronic Data Systems Corp., was awarded a $638,126 bonus.

(13) The repair and restart a Tennessee Valley Authority (TVA) nuclear reactor cost $90 million more than what the Federal utility budgeted, but TVA paid the primary contractors on the project, Bechtel Power Corp. and Stone and Webster Construction Inc., an extra $42 million in bonuses and other fees last year.

(14) In 2008, the San Diego Unified school district spent more than $3 million in Federal funding for low-income students, child nutrition, and other Department of Education programs on bonuses for employees leaving the school district.

(15) In 2008, the Department of Education paid nearly $1.7 million in bonuses to Denver Public Schools principals and assistant principals, including those at some of the lowest-performing schools in the city and 6 schools that have been closed because of poor performance.

(16) The United States Postal Service is expecting a deficit of $6 billion in 2009, following deficits of $2.8 billion in 2008 and $5.1 billion in 2007 and, as a result, may increase the price of first-class mail stamps by 2 cents and end mail delivery 1 day a week. The Postmaster General, however, was paid a $135,000 bonus in 2008.

(17) In 2008, 3 top executives in the Office of the Inspector General of the Department of Defense each received a cash bonus of $30,000 for outstanding leadership even though their agency has a history of weak management and strained relations between employees and supervisors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should enact legislation that would save the taxpayers billions of dollars every year by—

(1) ensuring that all new contracts using award fees and bonuses link such fees and bonuses to acquisition outcomes, which should be defined in terms of program cost, schedule, performance, and outcome;

(2) ensuring that no award fee or bonus is paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract or significantly exceeds the original cost estimate;

(3) providing that all award fees and bonuses are posted on a public website which would include an itemized, searchable databases of such award fees and bonuses, the amount of each, to whom the award fees and bonuses were paid, the reasons for the awards, and the name of the Department and agency that paid each such award;

(4) prohibiting bonuses from being paid to agency and department managers and grant recipients overseeing a program with performance or over budget costs; and

(5) directing the bipartisan congressional sunset commission established via a deficit-neutral reserve fund under section 212 of the fiscal year 2010 concurrent budget resolution to examine the number and total cost of unwarranted bonuses and award fees paid to contractors and Federal Government executives as part of the panel's review of nonperforming government programs.

---

**SA 780.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SENSE OF THE SENATE REGARDING PERFORMANCE MEASURES.**

(a) FINDINGS.—Congress finds the following:

(1) The fiscal year 2010 budget funds all Federal Government functions, including every program administered by each Federal department or agency across the country.

(2) The Catalogue of Federal Domestic Assistance lists over 1,800 Federal Government subsidy programs across 63 departments and agencies.

(3) The number of Federal Government subsidy programs has grown by 54 percent since 1990.

(4) President Barack Obama stated, ''The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while ensuring that its actions result in the best value for the taxpayers.''.

(5) President Barack Obama has proposed opening up the insular performance measurement process to the public, Congress, and outside experts.

(6) President Barack Obama has proposed creating the position of Chief Performance Officer to improve results and outcomes for Federal Government programs while eliminating waste and inefficiency.

(7) President Barack Obama has proposed working with Congress to address Federal Government efficiency by creating performance teams to reform programs, replacing existing management at Federal agencies, demanding improvement action plans, and cutting program budgets or eliminating programs entirely.

(8) In national polls, less than ⅓, or only 27 percent, of Americans gave a positive rating of the performance of Federal departments and agencies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) research-based, quantifiable performance measures are necessary to evaluate program effectiveness;

(2) each Federal department and agency should develop performance measures for all programs receiving Federal assistance under its jurisdiction; and

(3) the performance measures developed under paragraph (2) should—

(A) to the maximum extent practicable, draw on research-based, quantitative data;

(B) take into account program purpose and program design;

(C) include criteria to evaluate the cost effectiveness of programs;

(D) include criteria to evaluate the administration and management of programs; and

(E) include criteria to evaluate oversight and accountability of recipients of assistance under such programs.

---

**SA 781.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SENSE OF THE SENATE ON COMPETITIVE BIDDING.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Last year, then-candidate Barack Obama stated that ''for too long, Washington politicians have wasted billions on no-bid contracts'' and promised to ''end abusive no-bid contracts.'' As part of his ''Blueprint for Change,'' candidate Obama pledged to ''ensure that Federal contracts over $25,000 are competitively bid''.

(2) According to the most recent figures compiled by the Federal Government, Federal agencies annually award over $1,000,000,000,000 in financial assistance alone, with $496,000,000,000 in grants awarded in fiscal year 2008 and $518,000,000,000 in contracts and $29,000,000,000 in direct loans awarded in fiscal year 2007.

(3) A non-competitive grant or contract is Federal funding that is provided directly to an entity, bypassing the standard process for awarding Federal funding in which competing bids are solicited in order to select the most cost-efficient and qualified entity to perform a service.

(4) The volume of non-competitive contracts awarded using Federal funds has risen from $49,000,000,000 in 2000 to $134,000,000,000 in 2008, an increase of 176 percent.

(5) The Senate voted 97 to zero in support of competitive bidding for contracts and grants in a Senate-passed amendment to H.R. 1, the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(6) The competitive process helps ensure that the Federal Government receives the highest-quality products for the least amount of money.

(7) This resolution includes a deficit-neutral reserve fund for Defense acquisition and contracting reform and a deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that all Senators support President Obama's pledge to end abusive no-bid contracts by requiring all Federal contracts to be competitively bid.

---

**SA 782.** Ms. COLLINS (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert ''by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.)'' after ''students''.

---

**SA 783.** Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

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

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 784.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after ''economy,'' insert ''without causing significant job loss in regions of the United States vulnerable to manufacturing or energy-intensive job loss such as the coal-dependent Midwest, Great Plains and South,''.

---

**SA 785.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after ''economy,'' insert ''without increasing fertilizer, diesel, gasoline, electricity or natural gas prices,''.

---

**SA 786.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after ''economy,'' insert ''without increasing residential retail electricity, natural gas or home heating oil prices,''.

---

**SA 787.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 13, decrease the amount by $116,626,400,000.

On page 4, line 14, decrease the amount by $23,103,200,000.

On page 4, line 15, decrease the amount by $4,939,200,000.

On page 4, line 16, decrease the amount by $7,053,600,000.

On page 4, line 17, decrease the amount by $9,575,200,000.

On page 4, line 18 decrease the amount by $12,156,800,000.

On page 4, line 22, decrease the amount by $116,626,400,000.

On page 4, line 23, decrease the amount by $23,103,200,000.

On page 4, line 24, decrease the amount by $4,939,200,000.

On page 4, line 25 decrease the amount by $7,053,600,000.

On page 5, line 1, decrease the amount by $9,575,200,000.

On page 5, line 2, decrease the amount by $12,156,800,000.

On page 5, line 6, decrease the amount by $116,626,400,000.

On page 5, line 7, decrease the amount by $23,103,200,000.

On page 5, line 8, decrease the amount by $4,939,200,000.

On page 5, line 9, decrease the amount by $7,053,600,000.

On page 5, line 10, decrease the amount by $9,575,200,000.

On page 5, line 11, decrease the amount by $12,156,800,000.

On page 5, line 16, decrease the amount by $116,626,400,000.

On page 5, line 17, decrease the amount by $139,729,600,000.

On page 5, line 18, decrease the amount by $144,668,800,000.

On page 5, line 19, decrease the amount by $151,722,400,000.

On page 5, line 20, decrease the amount by $161,297,600,000.

On page 5, line 21, decrease the amount by $173,454,400,000.

On page 5, line 24, decrease the amount by $116,626,400,000.

On page 5, line 25, decrease the amount by $139,729,600,000.

On page 6, line 1, decrease the amount by $144,668,800,000.

On page 6, line 2, decrease the amount by $151,722,400,000.

On page 6, line 3, decrease the amount by $161,297,600,000.

On page 6, line 4, decrease the amount by $173,454,400,000.

On page 15, line 17, decrease the amount by $116,000,000,000

On page 15, line 18, decrease the amount by $116,000,000,000.

On page 15, line 21, decrease the amount by $20,000,0000,000.

On page 15, line 22, decrease the amount by $20,000,000,000.

On page 26, line 20, decrease the amount by $626,400,000.

On page 26, line 21, decrease the amount by $626,400,000.

On page 26, line 24, decrease the amount by $3,103,200,000.

On page 26, line 25, decrease the amount by $3,103,200,000.

On page 27, line 3, decrease the amount by $4,939,200,000.

On page 27, line 4, decrease the amount by $4,939,200,000.

On page 27, line 7, decrease the amount by $7,053,600,000.

On page 27, line 8, decrease the amount by $7,053,600,000.

On page 27, line 11, decrease the amount by $9,575,200,000.

On page 25, line 12, decrease the amount by $9,575,200,000.

On page 27, line 15, decrease the amount by $12,156,800,000.

On page 27, line 16, decrease the amount by $12,156,800,000.

---

**SA 788.** Mr. BARRASSO (for himself, Mr. WYDEN, Mr. CRAPO, Mr. MERKLEY, Mr. KYL, Mr. ENZI, Mr. BENNETT, and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by $200,000,000.

On page 13, line 22, increase the amount by $140,000,000.

On page 14, line 1, increase the amount by $60,000,000.

On page 27, line 23, decrease the amount by $200,000,000.

On page 27, line 24, decrease the amount by $140,000,000.

On page 28, line 3, decrease the amount by $60,000,000.

---

**SA 789.** Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 17, increase the amount by $50,000,000.

On page 13, line 18, increase the amount by $50,000,000.

On page 27, line 19, decrease the amount by $50,000,000.

On page 27, line 20, decrease the amount by $50,000,000.

---

**SA 790.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED INSPECTION OF IMPORTED SEAFOOD AND ENFORCEMENT OF OUR TRADE LAWS REGARDING IMPORTED SEAFOOD.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for bills, joint resolutions, amendments, motions, or conference reports that would—

(1) require tougher inspection and testing requirements for imported seafood products to ensure that imported seafood products do not contain chemicals, antibiotics, or any substances that are banned in the United States;

(2) end the practice of ''port shopping,'' which is used by many seafood importers seeking to avoid the safety standards required of domestic seafood producers, by nsuring that shipments of seafood rejected for any safety violation be clearly mark as rejected and that other U.S. ports are promptly notified of the rejected shipment; or

(3) increase the enforcement of our trade laws and address the problem of (antidumping duties that are owed but are not collected, especially on imported seafood products from China;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

---

**SA 791.** Mr. CRAPO (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 12, line 21, strike ''$4,489,000,000'' and insert ''$4,939,000,000''.

On page 12, line 22, strike ''$6,210,000,000'' and insert ''$6,650,000,000''.

On page 12, line 25, strike ''$4,404,000,000'' and insert ''$4,844,000,000''.

On page 13, line 1, strike ''$8,906,000,000'' and insert ''$8,346,000,000''.

On page 13, line 4, strike ''$4,427,000,000'' and insert ''$4,346,000,000''.

On page 13, line 5, strike ''$10,341,000,000'' and insert ''$10,781,000,000''.

On page 13, line 8, strike ''$4,619,000,000'' and insert ''$5,059,000,000''.

On page 13, line 9, strike ''$5,613,000,000'' and insert ''$6,053,300,000''.

On page 13, line 12, strike ''$4,540,000,000'' and insert ''$4,980,000,000''.

On page 13, line 13, strike ''$484,000,000'' and insert ''$924,000,000''.

On page 25, line 24, strike ''$22,321,000,000'' and insert ''$21,871,000,000''.

On page 25, line 25, strike ''$23,021,000,000'' and insert ''$22,773,000,000''.

On page 26, line 3, strike ''$22,477,000,000'' and insert ''$22,037,000,000''.

On page 26, line 4, strike ''$23,322,000,000'' and insert ''$22,882,000,000''.

On page 26, line 7, strike ''$22,707,000,000'' and insert ''$22,267,000,000''.

On page 26, line 8, strike ''$23,806,000,000'' and insert ''$23,366,000,000''.

On page 26, line 11, strike ''$22,437,000,000'' and insert ''$21,997,000,000''.

On page 26, line 12, strike ''$23,252,000,000'' and insert ''$22,812,000,000''.

On page 26, line 15, strike ''$22,808,000,000'' and insert ''$22,368,000,000''.

On page 26, line 16, strike ''$23,109,000,000'' and insert ''$22,669,000,000''.

At the appropriate place, insert the following:

**SEC. _____. CONTINUATION OF REQUIRED LICENSING ACTIVITIES TO SUPPORT FINAL DISPOSAL OF CERTAIN MATERIALS AT YUCCA MOUNTAIN REPOSITORY.**

Notwithstanding any other provision of law, for each of fiscal years 2010 through 2014, there is authorized to be appropriated to the Secretary of Energy and the Chairperson of the Nuclear Regulatory Commission for the continuation of required licensing activities to support the final disposal at the Yucca Mountain Repository of spent nuclear fuel and high-level radioactive waste an amount equal to the increase in amounts made available under Function 270 by the modifications made by this amendment.

---

**SA 792.** Mr. ALEXANDER (for himself, Mr. ENZI, Mr. GREGG, Mr. JOHANNS, Mr. BUNNING, Mr. GRAHAM, Mr. ISAKSON, Ms. MURKOWSKI, and Mr. CORKER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 10, strike ''affordable,'' and insert ''affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services,''.

---

**SA 793.** Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

---

**SA 794.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. _____. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.**

(a) HIDTA.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG SMUGGLING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 795.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 37, between lines 8 and 9, insert the following:

(d) FLOOD CONTROL PROJECTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 796.** Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. 2____. DEFICIT-NEUTRAL RESERVE FUND FOR PREKINDERGARTEN OPPORTUNITIES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that augment or establish a Federal program that provides—

(1) assistance to States that—

(A) offer not less than 1 year of free prekindergarten to children of families who meet the low-income criteria established by the program; and

(B) offer not less than 1 year of subsidized prekindergarten to children of families who meet any other income criteria established by the program; and

(2) as much flexibility as is practicable to the States in carrying out the prekindergarten programs described in paragraph (1), within a construct of incentives and requirements that each such prekindergarten program shall include a strong pre-academic curriculum, employ qualified prekindergarten teachers, and provide for strong program accountability measures,

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 797.** Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by $850,000,000.

On page 19, line 25, increase the amount by $170,000,000.

On page 20, line 4, increase the amount by $476,000,000.

On page 20, line 8, increase the amount by $136,000,000.

On page 20, line 12, increase the amount by $51,000,000.

On page 20, line 16, increase the amount by $17,000,000.

On page 27, line 23, decrease the amount by $850,000,000.

On page 27, line 24, decrease the amount by $170,000,000.

On page 28, line 3, decrease the amount by $476,000,000.

On page 28, line 7, decrease the amount by $136,000,000.

On page 28, line 11, decrease the amount by $51,000,000.

On page 28, line 15, decrease the amount by $17,000,000.

---

**SA 798.** Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 37, between lines 8 and 9, insert the following:

(d) ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

---

**SA 799.** Mr. BENNET (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. ___. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 800.** Mr. SANDERS (for himself, Mr. BUNNING, Mr. FEINGOLD, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SENSE OF THE SENATE TO INCREASE TRANSPARENCY OF THE FEDERAL RESERVE SYSTEM.**

(a) FINDINGS.—The Senate finds that—

(1) on January 28, 2009, Doug Elmendorf, the Director of the Congressional Budget Office, provided testimony to the Committee on the Budget of the Senate, that the Board of Governors of the Federal Reserve System (in this section referred to as the ''Board'') has committed nearly $2,300,000,000,000, more than 3 times the cost of the Troubled Asset Relief Program, to programs it created to deal with the financial crisis, with the potential for such taxpayer assistance to grow to at least $4,500,000,000,000;

(2) on March 7, 2009, Bloomberg News reported that ''Government loans, spending or guarantees to rescue the country's financial system total more than $11.7 trillion since the international credit crisis began in August 2007.'';

(3) unlike the Troubled Asset Relief Program, the American public does not know the names of the recipients of more than $2,200,000,000,000 in taxpayer assistance provided by the Board since the beginning of the current United States financial crisis;

(4) while Congress has spent numerous hours of debate on the merits of Federal investments totaling less than $1,000,000,000, not one significant debate has been held on the floor of the Senate or the House of Representatives in Congress on whether the Board should be exposing American taxpayers to more than $2,200,000,000,000 in risk;

(5) on March 3, 2009, Chairman of the Board, Ben Bernanke, told the Committee on the Budget of the Senate that since the start of the financial crisis, the Board had provided assistance to ''hundreds and hundreds of banks,'' but would not name the banks, how much assistance they have received, what they are doing with the taxpayer assistance, or what the specific terms of the assistance were;

(6) the American people have a right to know to whom the Board is lending over $2,200,000,000,000 taxpayer dollars, how much they are receiving, and what the Board is asking in return for such money;

(7) since the creation of the Federal Reserve System in 1913, there has not been a single, comprehensive independent audit of the Federal Reserve System or the Federal Reserve banks; and

(8) during the worst financial crisis in our nation's history since the Great Depression, a crisis which has led to the largest taxpayer bailout ever, the Board has a responsibility to the American people to explain what they are doing with their hard-earned taxpayer dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Comptroller General of the United States should be provided with the resources and authority necessary to conduct a comprehensive audit of the Board and the Federal reserve banks; and

(2) the Board should publish on its website, with respect to all lending and financial assistance facilities it has created to address the financial crisis since March 24, 2008—

(A) the identity of each business, individual, or entity to which the Board has provided such assistance;

(B) the type of financial assistance provided to that business, individual, or entity;

(C) the value or amount of that financial assistance;

(D) the date on which the financial assistance was provided;

(E) the specific terms of any repayment expected, including the repayment time period, interest charges, collateral, limitations on executive compensation or dividends, and other material terms;

(F) the specific rationale for providing assistance in each instance; and

(G) what that business, individual, or entity is doing with such financial assistance.

---

**SA 801.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

**SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR THE UNITED STATES ARMY AND UNITED STATES MARINE CORPS TO REPLACE AND RESET EQUIPMENT.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) establish a balanced process that systematically restores deployed Army and Marine Corps units to a level or personnel and equipment readiness that permits the resumption of training for future missions;

(2) ensure procurement of new equipment to replace battle losses, wash outs, and critical equipment deployed and left in theater;

(3) rebuild or repair equipment to a level commensurate with required performance specifications; and

(4) accomplish reset repair for sustainment and field maintenance to a desired field-level environment for combat capability appropriate with a unit's readiness and future missions;

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

---

**SA 802.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding

number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and

(2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;

by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

**SA 803.** Mr. THUNE (for himself, Mr. BENNET, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

**SEC. ___. POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.**

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant under any reserve fund, for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

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

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

**SA 804.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

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

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

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

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

(b) DEFINITIONS.—In this subsection:

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

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

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

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

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

(c) SUPERMAJORITY WAIVER AND APPEAL.—

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

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

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, March 31, 2009 at 9:30 a.m. in room 328A of the Russell Senate office building.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. 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 March 31, 2009 at 10 a.m.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. 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 March 31, 2009 at 2:30 p.m. to conduct an Economic Policy Subcommittee hearing entitled ''Lessons from the New Deal.''

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 10:15 a.m., in room 253 of the Russell Senate Office Building.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Tuesday, March 31, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

### COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 2:15 p.m.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 2:45 p.m.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CONRAD. 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 on Tuesday, March 31, 2009, at 10 a.m. in room 216 of the Hart Senate Office Building.

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

### COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate to continue on Tuesday, March 31, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2009 at 2:30 p.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 10 a.m. to conduct a hearing entitled, ''Stability through Scandal—a Review of the Office of the Chief Financial Officer.''

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, March 31, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''EPA's Role in Promoting Water Use Efficiency.''

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

## PRIVILEGES OF THE FLOOR

Mr. CASEY. Mr. President, I ask unanimous consent that Tom Feeley of my staff be granted floor privileges for the remainder of the consideration of the budget resolution.

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

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that Lea Anderson, a detailee with the Environment and Public Works Committee, be granted the privilege of the floor during consideration of Senate Concurrent Resolution 13.

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

## NATIONAL AUCTIONEERS DAY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 86.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 86) designating April 18, 2009, as ''National Auctioneers Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 86) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 86

Whereas auctions have played an important role in the sale and exchange of goods for nearly 2,000 years;

Whereas auctions have been an integral part of the marketplace in the United States and around the world;

Whereas auctioneers sold nearly $268,400,000,000 in goods and assets in 2008;

Whereas the National Auctioneers Association has 5,000 members and has its headquarters in Overland Park, Kansas;

Whereas, in 2008, members of the National Auctioneers Association raised $16,000,000,000 for charity through benefit auctions;

Whereas auctions are growing in popularity and are used with increasing frequency in the marketplace;

Whereas, through competitive bidding, auctions demonstrate how the free enterprise system establishes fair market value;

Whereas trained professional auctioneers ensure that auctions are conducted in a manner that is fair to both buyers and sellers;

Whereas, in the past, Federal, State, and local governments have designated days and weeks to celebrate auctioneers; and

Whereas the designation by the Senate of April 18, 2009, as ''National Auctioneers Day'' will heighten awareness of the contributions made by auctions and auctioneers to the economy, culture, and way of life of the people of the United States: Now, therefore, be it

*Resolved,* That the Senate designates April 18, 2009, as ''National Auctioneers Day''.

## FINANCIAL LITERACY MONTH

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 94, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 94) designating April 2009 as ''Financial Literacy Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I rise in support of a resolution to designate April as Financial Literacy Month. First, I would like to thank my cosponsors, Senators DODD, CRAPO, KENNEDY, ENZI, HAGAN, CORKER, LEVIN, WICKER, SCHUMER, INOUYE, MENENDEZ, DURBIN, STABENOW, JOHNSON, CARDIN, CARPER, LINCOLN, MURRAY, and GILLIBRAND. As in past years, I am once again pleased to work with my colleagues on both sides of the aisle to promote financial literacy for people of all ages across America.

This resolution highlights the need to promote financial literacy in our homes, schools, workplaces, and communities. Education in personal finance means empowerment, because it can provide people with the tools they need for sound decision-making and future economic opportunities. Unfortunately, many individuals do not understand even the basics of our increasingly complex economic system. Although much continues to be done to provide Americans with an education in personal finance and economics, a number of troubling indicators show that many people are not equipped to negotiate financial choices.

For instance, according to the Jump$tart Coalition for Personal Financial Literacy, many students who graduate from high school lack basic skills in the management of personal finances such as the ability to effectively balance their checking account. The average score of high school students in the Department of the Treasury sponsored 2008 National Financial Literacy Challenge was a 56 percent—an ''F.'' While some States have begun to recognize the need for economic or personal finance in their curriculum, according to a 2007 ''Survey of the States'' compiled by the Council for Economic Education only 22 States require an economics test as a high school graduation requirement. We must do more to invest in financial literacy now for our young men and women in order to ensure a knowledgeable, prosperous generation of future American leaders.

On the other end of the spectrum, the 2008 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. This is the biggest 1-year decline in the 18-year history of the survey. To further illustrate this problem, approximately 76 million adults say they do not have any nonretirement savings, according to the National Foundation for Credit Counseling. These findings suggest a serious problem exacerbated 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 savings.

Increased financial and economic literacy can help people navigate around the countless pitfalls that confront working families. In September 2008, consumer bankruptcy filings in the United States increased more than 30 percent from the same period in 2006, and there were more than 1,000,000 personal bankruptcy filings in the United States in 2008, according to the Administrative Office of the United States Courts. This was the highest personal bankruptcy mark since bankruptcy laws were amended in 2005. The current market turmoil underscores the critical need for improved financial literacy in the United States.

As leaders and policymakers, we need to champion financial literacy efforts year round. However, identifying April as Financial Literacy Month will allow us to focus our attention on this critical issue. We must continue to address financial literacy by educating Americans of all ages throughout their lifetime to better protect consumers and expand access to economic empowerment opportunities. Once again, I thank my colleagues for their support of this resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without further intervening action or debate.

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

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 94

Whereas, in September 2008, consumer bankruptcy filings in the United States increased more than 30 percent from the same period in 2006, according to the Administrative Office of the United States Courts;

Whereas there were more than 1,000,000 personal bankruptcy filings in the United States in 2008, the most since bankruptcy laws were amended in 2005, according to the Administrative Office of the United States Courts;

Whereas, according to a 2008 ''Flow of Funds'' report by the Federal Reserve, the net worth of households in the United States fell for the 4th consecutive quarter, dropping $2,800,000,000,000, the largest decline in the 57-year history of the report;

Whereas, according to a 2008 ''Flow of Funds'' report by the Federal Reserve, household debt in the United States reached $14,000,000,000;

Whereas the 2008 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, the biggest 1-year decline in the 18-year history of the survey;

Whereas the Department of the Treasury sponsored the 2008 National Financial Literacy Challenge, an examination testing knowledge of high school students of important personal finance concepts;

Whereas the average score on the examination was an ''F'', only 56 percent;

Whereas the 2007 ''Survey of the States'' compiled by the Council for Economic Education found that only 22 States require an economics test as a high school graduation requirement, 3 fewer than in 2004;

Whereas many students who graduate from high school lack basic skills in the management of personal financial affairs and are unable to balance a checkbook, according to the Jump$tart Coalition for Personal Financial Literacy;

Whereas, according to the National Foundation for Credit Counseling, fewer than half the people in the United States accessed their credit report in 2008, despite the fact that such report can be obtained for free and contains critically important information for consumers;

Whereas approximately 76,000,000 adults say they do not have any non-retirement savings, according to the National Foundation for Credit Counseling;

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 2009 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.

## CONGRATULATING THE UNIVERSITY OF IOWA MEN'S WRESTLING TEAM

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 95, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 95) congratulating the University of Iowa men's wrestling team for winning the 2009 National Collegiate Athletic Association Division I Wrestling Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I rise today to congratulate the University of Iowa wrestling team for their national championship victory two weekends ago.

On March 21, 2009 wrestling fans all across the country were treated to an exceptional match in St. Louis, MO, while watching the University of Iowa clinch the NCAA Division I Wrestling Championship. Throughout the year, the Hawkeyes maintained an overall No. 1 ranking in the Nation.

This year's wrestling team finished the season with a perfect record for the 12th time in the school's history. The outstanding grapplers and coaches produced a great season, winning numerous awards and praise throughout the country. I also want to take a special moment and congratulate the University of Iowa wrestling head coach Tom Brands, who has led the team to two straight national championships in only 3 years at the helm of the Hawkeye wrestling team.

The University of Iowa students, alumni, faculty and fans are committed to keeping alive the tradition of wrestling in Iowa and bringing pride to the state, as well as the University of Iowa. I want to congratulate the University of Iowa Hawkeyes for winning the 2009 NCAA Division I Wrestling Championship and recognize the achievements and efforts of the wrestlers, coaches, fans and staff who helped the team achieve this significant victory.

I also want to speak to congratulate the Morningside College women's basketball team for winning the 2009 National Association of Intercollegiate Athletics—NAIA—Division II national championship.

On March 27, 2009, the Morningside College Mustangs won the national title game over the Hastings College Broncos in Sioux City. Just a day before, the Mustangs captured the Great Plains Athletic Conference—GPAC—championship title and finished with a perfect 18–0 record.

A couple of individual congratulations are in order here today also. Head Coach Jamie Sale was named NAIA Division II National Coach of the Year, senior Autumn Bartel was named Most Valuable Player (MVP) of the NAIA Division II national championship, and senior Dani Gass was also named NAIA Division II Player of the Year.

Of special recognition are the seven members of the Mustangs team who were named 2009 Daktronics-NAIA Scholar-Athletes for maintaining a minimum grade point average of 3.5. These members included Cara Anderson, Autumn Bartel, Emily Christen, Sarah Culp, Mackenzi Mendlik, Roni Miller, and Brittany Williamson.

The Morningside College Mustangs received a unanimous number one ranking in the final NAIA Division II Women's Basketball Coaches Top 25 Poll while finishing the season with a perfect 38–0 record, only the second team in NAIA Division II women's basketball history to do so.

I want to congratulate these athletes on demonstrating exceptional accomplishments both in the classroom and on the court.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas on March 21, 2009, in St. Louis, Missouri, the University of Iowa Hawkeyes won the 2009 National Collegiate Athletic Association (NCAA) Division I Wrestling Championship with a total of 96.5 team points;

Whereas the University of Iowa is one of the premier academic institutions in the State of Iowa;

Whereas the University of Iowa men's wrestling team was ranked number 1 in the Nation upon entering the tournament;

Whereas the Hawkeyes are back-to-back champions and have won 22 national wrestling titles in the program's history;

Whereas on March 9, 2009, the Hawkeyes won their second straight Big Ten Championship;

Whereas University of Iowa wrestling head coach Tom Brands has led the team to 2 straight victories in only 3 years as head coach;

Whereas the Hawkeyes finished the regular season undefeated for the 12th time in as many years; and

Whereas University of Iowa students, alumni, faculty, and fans are committed to keeping alive the tradition of wrestling in Iowa and bringing pride to the State of Iowa as well as the University of Iowa: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Iowa Hawkeyes for winning the 2009 NCAA Division I Wrestling Championship; and

(2) recognizes the achievements and efforts of the wrestlers, coaches, fans, and staff that helped the team to achieve this significant victory.

## CONGRATULATING MORNINGSIDE COLLEGE WOMEN'S BASKETBALL TEAM

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 96, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read the resolution as follows:

A resolution (S. Res. 96) congratulating the Morningside College women's basketball team for winning the 2009 National Association of Intercollegiate Athletics (NAIA) Division II championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 96

Whereas on March 17, 2009, at the Tyson Event Center in Sioux City, Iowa, the Morningside College Mustangs won the national title game for the NAIA Division II women's basketball with a 68–63 win over the Hastings College Broncos;

Whereas Morningside College Mustangs captured the Great Plains Athletic Conference (GPAC) championship title with an 18–0 record;

Whereas Morningside College women's basketball Head Coach Jamie Sale was named NAIA Division II Coach of the Year;

Whereas 7 members of the Morningside College women's basketball team were named 2009 Daktronics-NAIA Scholar-Athletes for maintaining a minimum GPA of 3.50 and having at least a junior academic status: Cara Anderson, Autumn Bartel, Emily Christen, Sarah Culp, Mackenzi Mendlik, Roni Miller, and Brittany Williamson;

Whereas Autumn Bartel, a senior guard for Morningside College, was named Most Valuable Player of the NAIA Division II tournament;

Whereas Dani Gass, a senior guard for Morningside College, was named NAIA Division II Player of the Year;

Whereas the Morningside College women's basketball team was the unanimous number 1 vote in the final NAIA Division II Women's Basketball Coaches' Top 25 Poll, receiving 312 points and all 12 first place votes; and

Whereas the Mustangs finished the 2009 season with an undefeated record of 38–0, and was only the second team in NAIA Division II history to do so: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Morningside College Mustangs for winning the NAIA Division II national championship; and

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication helped the Morningside College Mustangs win the championship.

## ORDERS FOR WEDNESDAY, APRIL 1, 2009

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, April 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. Con. Res. 13, the concurrent resolution on the budget.

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

## PROGRAM

Mrs. SHAHEEN. Mr. President, under an agreement reached earlier today, when the Senate resumes consideration of the budget resolution tomorrow, 20 hours of the statutory time remains, with each side controlling 10 hours.

## ORDER FOR ADJOURNMENT

Mrs. SHAHEEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator CARPER.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

## THE BUDGET

Mr. CARPER. Mr. President, I rise this evening to address, as others have today, the fiscal year 2010 budget resolution that is currently being considered by this body. We take up this budget under the specter of—some would say gloomy, some would say perilous—economic conditions amidst a credit crisis that threatens long-term damage to our economy—not just to the economy in our country but to economies all over the world. As a result, this budget is very likely probably not the most important vote we cast in the time we serve here but certainly one of the most important we will vote on this year, and maybe in this Congress.

I wish to begin this evening by reminding my colleagues—I know we have been reminded already today and we will be reminded tomorrow—that our friend, former colleague, Barack Obama, took office just 70 days or so ago. Not since the inauguration of Franklin Delano Roosevelt has an American President inherited such far-reaching economic turmoil and been asked to do so much in such a short period of time.

Over these last 10 weeks, President Obama has become very well acquainted with the economic mess he inherited from the previous administration. On the day his predecessor took office—this was about 8 years ago—our Federal Government enjoyed multibillion-dollar surpluses as far as the eye could see. We were on track, believe it or not, if you recall, on track to actually pay down our national debt, which at the time was a little under $6 trillion. Since then, sadly, we have seen those surpluses disappear, and they have been replaced instead by the largest budget deficits I think we have witnessed in our country's history. In fact, we ran up as much new debt in the last 28 years as I think we did in the first 220 years of our Nation's history.

When President Bush left office earlier this year, our Nation and the new President were left—and us, here in the Senate and the House—to bear the cost of two wars, tax cuts that tend to favor the wealthiest among us, an increase of more than 50 percent in Government spending, and $10.6 trillion in debt. Again, that is roughly twice what former President Bush inherited on his first day on the job.

The fact is that our badly damaged credit system, our banking system, along with rising unemployment numbers and a contracting economy, have threatened to reduce future revenues to the point where the burgeoning budget deficits of the last 8 years could become a permanent fixture if we are not careful.

The damage of these potential deficits cannot be overlooked. I believe the deficits matter. I think our Presiding Officer knows the deficit matters—it matters for all of us.

Last year, American taxpayers paid some quarter of a trillion dollars, $250

billion, in interest payments—not principal, just interest payments—to creditors at home and around the world. I am told each citizen's share of today's debt amounts to more than $36,000 per person. Beyond our own borders, we now owe some $740 billion to China. That is almost three-quarters of a trillion dollars. We owe about $635 billion to Japan. We owe $133 billion to Brazil. The list goes on and on.

In all likelihood, the large deficits will eventually drive up interest rates for consumers. They will raise prices for goods and services, and they will combine to weaken America's financial competitiveness.

The bigger our deficits become, the fewer resources we have for investments in energy, education and health care, and we will have fewer resources to help provide tax relief for the middle class and for small businesses that need it the most.

Thankfully, both this President's budget and the Senate Budget Committee's proposed budget for fiscal year 2010, the year that begins this October 1, seek to reverse the trend set in motion by the previous administration. Under both plans, annual deficits will be cut in half over the next 4 years, by 2012.

During his Fiscal Responsibility Summit, which I was fortunate to be able to attend along with Democratic and Republican colleagues, the President said these words:

> This will not be easy. It will require us to make difficult decisions.

There is an understatement.

He went on to say we will:

> . . . face challenges we have long neglected.

He went on to add:

> But I refuse to leave our children with a debt they cannot repay—and that means taking responsibility right now, in this administration—

And, I might add, in this Congress—

> for getting our spending under control.

The President is right. Meeting this budget goal will not be easy and will require tough choices and discipline by all of us. Some of these tough choices will come from the spending side, and in a difficult economic times, we have to make sure every dollar we collect from the taxpayers is spent wisely and effectively.

As chairman of the Federal Financial Management Subcommittee of the Homeland Security and Governmental Affairs Committee, I have worked with Senate and House colleagues, including the Presiding Officer, to identify areas of Government spending that are wasteful and in many cases inefficient. One of these areas involves something called improper payments.

According to data reported to the Office of Management and Budget by Federal agencies in their most recent financial statements, the Federal Government made something like $72 billion last fiscal year in overpayments—actually, improper payments, mostly overpayments. During a series of hearings held by my subcommittee, my colleagues and I learned from GAO that some agencies are not taking seriously their responsibility to properly account for Federal dollars they spend. We also learned that others may not have the resources they need to address their improper payments problem.

Just think about this. This is a big budget. This is a budget that is hundreds of billions of dollars. But $72 billion was improperly paid, mostly overpayments.

I plan to introduce legislation in the near future that will direct agencies to focus more of their time and more of their resources on eliminating improper payments—and not just that, but to develop better improper payments remediation plans so they don't continue to make the same mistakes—and finally becoming more aggressive in the use of recovery auditing.

I say to my sons, who are now 19 and 20, there is nothing wrong with making mistakes. We all make mistakes. The only people who don't make mistakes are the people who don't do anything. And if we are doing anything important, a lot of times we make mistakes. But the key here, on improper payments, is to figure out why we are making these mistakes on the improper payments and figure out how not to continue to make the same mistakes and, third, if we made overpayments, to figure out how to go out and recover taxpayers' moneys that have been overpaid.

The proposal we will be introducing with bipartisan support will increase the use of recovery auditing, and the positive impact that recovery auditing will have on Government spending will be measured in billions of dollars.

Even in a day and age where we are looking at a trillion-dollar-plus deficit, billions of dollars still count. A recent test of recovery auditing in just three States' Medicare Programs led to the recovery of $1 billion.

The Presiding Officer heard me talk about this a time or two, along with the President, when he came to our luncheon last Wednesday here in the Capitol. Three years ago, we started doing I call postaudit recoveries in Medicare to try to identify moneys overpaid in Medicare. We went to three States—California, Texas, Florida—and began to try to recover moneys that were overpaid. The first year, we didn't get much of anything. The second year, we captured a little bit of money. Last year, it was close to $1 billion in just three States. What I suggested to the President and my colleagues: We should not just be doing this in three States; we should do it in all 50 States and recover real money. The other thing we ought to do is consider the Medicaid Program and see whether there is some way we can do with Medicaid, in terms of recovering misspent moneys, overpayments—we do that, take the same lessons from Medicare and apply them to Medicaid.

I am pleased to see that the Senate budget makes a number of tough choices when it comes to Federal spending. Senator CONRAD has shown great leadership and fiscal discipline in his drafting of this Senate resolution, and his counterpart over in the House, our old friend Congressman JOHN SPRATT from South Carolina, has managed to do the same in the House. The Senate Budget Committee has sent us a lean budget this year, relatively speaking, that increases discretionary spending, I am told, by about 5 percent over the fiscal 2009 level, despite calls to do much more. Frankly, that is a bit less than was asked for by our President.

While making sure the taxpayer funds are spent wisely is crucial, I would just add that I, for one, reject the philosophy held by some that discretionary spending is the culprit—maybe the major or even the only culprit for our fiscal mess.

Balanced budgets will not come just from reductions in discretionary spending. Fundamental reform of our major entitlement programs, coupled with some changes in our tax codes, must occur if we are to restore fiscal sanity to our Federal budget.

On the entitlement side, the Presiding Officer, among a number of centrist Democrats, met today with our budget director OMB Director Peter Orszag. Among the things we talked about were entitlement programs and entitlement spending.

The entitlement spending on health care consumes an ever-increasing percentage of our GDP, with the U.S. currently spending over $2 trillion a year on health care. That is about 17 percent of GDP, and we are on a track to get up to about 20 percent in the next several years—20 percent of GDP just for health care.

I am told that if you look at three programs now, three entitlement programs, Social Security, Medicare and Medicaid, if you gather the amounts, they are about 10 percent of our GDP. And we are on a track that in about 25 years, those three programs alone will amount to 25 percent of GDP, and 20 percent of GDP is historically our whole budget—in just three programs. That is obviously not sustainable.

And while we spend a whole ton of money, $2 trillion a year on health care, a number of folks suggest that about $700 billion, $700 billion of that money, that is about 35 percent of it, does not really improve our health outcomes.

We spend more money than any other developed nation for health care and we certainly do not get better results. This cost growth raises the pricetag associated, as I said, with entitlement programs such as Medicaid as well.

And I repeat myself that the current path we are on is clearly not sustainable, both for our fiscal health and for our medical health, and it is not sustainable as far as our being competitive with the rest of the world and our

businesses trying to compete, whether building cars or windmills or building electronic equipment. It makes us uncompetitive around the world.

America must reform its health care system. We have responsibility to help do that so we can reverse the rise in health care costs, while we improve the quality of care. We simply cannot afford to continue on this trajectory. As I have said, and I am sure my colleague presiding has, doing nothing is not an option.

I wanted to commend tonight not only Senator CONRAD, but I wanted to commend the Senate Budget Committee for including a deficit-neutral reserve fund in the Senate budget that will enable us to advance a health care reform bill and reduce Medicare and Medicaid's contribution to our budget deficit.

Now, on the tax side, I am pleased the Senate budget provides middle-class taxpayers with a measure of tax relief. They still have to pay taxes, but in this budget package and this spending plan they receive a measure of tax relief, something of which this President is a champion.

Taxpayers need certainty, though, when it comes to making middle-class tax provisions permanent. Taxpayers need certainty when it comes to the alternative minimum tax. And taxpayers certainly need certainty when it comes to the estate tax.

The idea that we are going to have an estate tax this year, we are not going to have one next year, and then a year later after that we are going to go back to the same estate tax we had in 2001 does not make a whole lot of sense to us and to our constituents. But this budget begins the process of addressing those issues, and I look forward to working with my colleagues, both in the Finance Committee and on the Senate floor, in addressing them.

On the estate tax, this budget includes a proposal that looks a lot like one I introduced a year or two ago. And it would permanently extend the 2009 rate of 45 percent, and an exemption of $7 million per couple. It would index that amount, that is exempted from taxes by the rate of inflation each year. So it is not going to be $7 million that is the exempt number forever; it will go up each year by the rate of inflation. And that which is not covered within that exemption is taxed at the rate of 45 percent, which is really right about where we are this year. I think this proposal represents a sensible way to balance our two critical goals, and seems fair and reasonable, is what Fox says.

It helps us to avoid hitting middle-class taxpayers and small businesses. It helps us to avoid the problems we have had with the alternative minimum tax, where we have not indexed it in over 30 years.

Finally middle-class families are finding out they are subject to the alternative minimum tax. And someday the same thing will happen to the estate tax if we do not index it.

In addition to the estate tax provision, this budget extends the previous administration's 2001 and 2003 tax cuts for the middle class. We are not throwing out everything we have done in 2001 and 2003 in the Bush administration if it is meritorious. And that is an example—those are examples of things we want to preserve. We think that preserving tax relief for the middle class is a high-yield, low-risk investment. It will be the middle class, we think, who lifts the economy out of the recession and ushers us through the decade of innovation and hopefully to prosperity. I believe this extension of these tax cuts will go a long way toward bolstering a resurgence.

While many of these provisions seek to help stimulate growth through revenue modifications, we also need to make some other changes to our current tax policy in order to help increase revenues that will pay down our budget deficit. One way to do this is to close something we call the tax gap, which I am pleased to say is a high priority of this budget resolution. Most Americans, if they knew that something like $400 billion of taxes that are owed to the Federal Government are not being collected—and most people in this country pay their fair share of taxes—the idea that, gosh, almost a half a trillion is not being collected on an annual basis makes my blood boil, and I suspect makes it boil for a lot of other people.

As it turns out, there are a number of things that we can do to address the tax gap. I am delighted in the budget document that we are seeing, it reflects a whole lot of steps we can take. Through my subcommittee that I chair on the Homeland Security and Governmental Affairs and through my work on the Finance Committee, I have been helped by a bunch of people to enable us to craft legislation—I will be introducing it soon—that helps close the tax gap, and we do it by focusing on improving compliance.

I would say this. You and I, most people, if taxes are withheld from our income, we comply. We have a compliance rate of about 99 percent of paying our fair share of taxes. When our income is reported to the IRS on, say, a 1099, there is about a 90-percent, maybe 95 percent, compliance with paying our fair share of taxes.

When there is not withholding of taxes, where there is not reporting of income, the rate of compliance drops way down—as low as 50 percent, even lower than that.

I am looking forward to working with our new President and my colleagues, Democrats and Republicans, in a nonpartisan way, of putting together a package of proposals to meet the goals that are laid out in this budget, particularly with respect to making sure people pay their fair share of taxes.

While the Senate budget does extend the Bush tax cuts for the middle class beyond fiscal year 2010, it does not do the same for some of our most affluent Americans. During the previous administration, some of the wealthiest Americans shouldered disproportionately less tax burden than do many members of the middle class.

The budget before us seeks to restore a fairer balance while also providing the revenue needed to close our budget deficits over the next several fiscal years.

Finally, I commend Senator CONRAD and the President for acknowledging that we have to do more to address climate change in this budget—something with which I know our Presiding Officer agrees—keeping open all of our options, including a cap-and-trade system which I have worked on for a number of years for reducing greenhouse gas emissions.

Unfortunately, some of my colleagues have likened a climate cap-and-trade program to a carbon tax. I always find it interesting that people around here seem to embrace the idea or propose the idea of a carbon tax instead of a cap-and-trade approach on climate change. Most of the people that seem to propose and embrace a carbon tax would not vote for one if they had the chance to, which is kind of ironic.

Let me be clear. On a cap-and-trade system—and where we basically say for carbon dioxide emissions, we are going to put a cap on how much can be emitted—over time we are going to bring that cap down, and we are going to give folks, the emitters, the chance to trade as they reduce their emissions, to have an opportunity to trade with other emitters, and find ways to harness economic forces to reduce, in an effective way, an efficient way, our emissions of $CO_2$.

But among the advantages of a cap-and-trade system, it is flexible within our economy. It interacts with folks like in Europe who have been doing this cap-and-trade stuff for a while. It ensures that we get the needed pollution reductions.

A great example of a cap-and-trade program is the Acid Rain Program. It was not set up by a Democrat. It was not set up by Bill Clinton. It was set up by former President Bush. George Herbert Walker Bush set it up in 1990.

That cap-and-trade program, the Acid Rain Program, has reduced sulfur dioxide emissions at half the estimated cost and quicker than expected, making it one of the most successful environmental programs in our Nation's history.

I hope my friends here will not forget that cap and trade is a valuable market tool that has been proven to secure air quality improvements at half the cost. It is not a tax.

We have a chance to test this baby, see how it works. We have seen it work very well.

Let me add in closing that this budget resolution puts the brakes on some of the budgetary tactics used in recent budgets and puts our Nation back on a path toward fiscal discipline. While we can't solve all our budget problems in 1 year, this bill represents the opening

salvo in a multiyear battle to reduce our deficits and prevent our children from bearing the cost of ever greater deficits.

At the President's first fiscal summit a month or so ago, he noted:

> While we are making important progress toward fiscal responsibility this year, in this budget, this is just the beginning. In the coming years, we'll be forced to make more tough choices and do much to address our long-term challenges.

He is right. To paraphrase Robert Frost, we have miles to go before we sleep.

I stand ready to help this President, to work with my colleagues, Republican and Democrat, House and Senate, to make some of those tough choices and to tackle the challenges in the years to come.

I yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:46 p.m., adjourned until Wednesday, April 1, 2009, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF ENERGY

INES R. TRIAY, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT), VICE JAMES A. RISPOLI, RESIGNED.

### DEPARTMENT OF COMMERCE

LAWRENCE E. STRICKLING, OF ILLINOIS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE JOHN M. R. KNEUER.

### DEPARTMENT OF THE INTERIOR

HILARY CHANDLER TOMPKINS, OF NEW MEXICO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE DAVID LONGLY BERNHARDT, RESIGNED.

### DEPARTMENT OF JUSTICE

THOMAS E. PEREZ, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WAN J. KIM.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 31, 2009 withdrawing from further Senate consideration the following nomination:

JONATHAN Z. CANNON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MARCUS C. PEACOCK, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 11, 2009.