

Former IRS Commissioner Mark Everson in congressional testimony said:

I have freely acknowledged it is more costly to use private collection agencies than it would be were the IRS to do it.

That is from an IRS Commissioner. Former Acting Commissioner Kevin Brown told the House Ways and Means Committee:

We can do it more efficiently. We have the tools under the law that obviously are going to lead us to being more efficient.

My only point is, I hope there is not an amendment on this issue. I have great respect for my colleague from Iowa. But I think this is a program that should not have been started. Now that it is started and losing money, it ought to be abandoned. If we are looking after waste, fraud, and abuse issues and trying to protect the American taxpayer and shut down the waste of taxpayers' money, there is no better candidate, in my judgment, than the candidate that is in this omnibus package and this particular subcommittee by which we shut down the use of private collection agencies that have actually lost money for the American taxpayers. My hope is we do not have an amendment on this point. In any event, it is long past the time for us to have shut down a program that is costing the American taxpayers money—\$20 million to hire private tax collectors who are collecting less money than it is costing us to hire those collectors.

One might, by the way, look at this and say: Man, how can that be controversial? It seems to me that is a slam dunk, that is common sense. If that is the case, if that is what you think, you do not understand how the system works because even things that are demonstrable failures are often hard to shut down. This is an example of that. We are close to getting that done.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF GREAT BRITAIN

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon in order to attend a joint meeting of Congress.

Thereupon, the Senate, at 10:40 a.m., recessed until 12 noon, and the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the

Hall of the House of Representatives to hear the address by the Prime Minister of Great Britain.

(The address delivered by the Prime Minister of Great Britain to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding officer (Mr. CASEY).

#### OMNIBUS APPROPRIATIONS ACT, 2009—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. 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. INHOFE. 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. 596

Mr. INOUE. Mr. President, amendment No. 596, offered by the Senator from Oklahoma, prohibiting funding from being used for no-bid contracts would appear on its face to be a good amendment, an amendment that some are asking: Why would I vote against this?

When this amendment first appeared as an amendment to the recovery act, the Senate passed it by a unanimous vote because it appeared to be a good-government amendment. However, what we quickly learned as we began conference negotiations with the House is that the consequences of this amendment are more far reaching than simply prohibiting no-bid contracts.

Because of the way this amendment is drafted, it is destructive to small business and minority-owned businesses in this country, as well as to Native American funding. This amendment states the only procedures that can be used to award funds in this act are the procedures in accordance with only section 303 of the Federal Property and Administrative Services Act. As a result, this amendment prohibits agencies from making any awards to small businesses through statutes that have been enacted over the years that provide assistance to small businesses, including small veteran-owned businesses, service-disabled, veteran-owned businesses, minority-owned businesses, tribal enterprises, women-owned businesses, HUBZone-qualified businesses, and other entities covered through the SBA programs, as well as the Javits-Wagner-O'Day Act, just to name a few.

Mr. President, in terms of Native American funding, this provision would essentially overturn the so-called "638" contracts whereby a tribe contracts with the Bureau of Indian Affairs or Indian Health Service or other agency to

perform the function of that agency. These contracts are not competitive pursuant to the Indian Self-Determination Act and other statutes enacted to help Native Americans.

In fact, efforts were made to correct this language during the conference negotiation of the recovery act so that small businesses—the backbone of this country—and Native American funding would not be unnecessarily penalized by language that combined the broad dismissal of authorization statutes and the narrow citing of one procurement law. Even with the significant improvements made to the original text, the Senator from Alaska, who is the ranking member on the Energy and Natural Resources Committee, asked that I enter into a colloquy with her during consideration of the conference report to clarify that the language did not impact existing Federal procurement law applicable to programs that allow for set-asides and direct-award procurements.

Mr. President, I cannot speak to the intentions of the Senator from Oklahoma as to what he wants to accomplish with this amendment. To be clear, however, I can speak to the consequences of the pending amendment. It will have a destructive impact on the small business programs and Native American programs mentioned above.

Do we really want to prohibit small veteran-owned businesses, service-disabled, veteran-owned businesses from Federal funding opportunities unless they compete in the same manner as large corporations? Do we really want to prohibit small women-owned businesses from Federal funding opportunities unless they compete in the same manner with large corporations? Do we really want to say our Federal agencies must ignore existing Federal procurement laws that govern these small business programs and Native American programs and allow only these small businesses to compete subject to section 303 of the law?

This amendment systematically ignores years of Small Business Committee and Indian Affairs Committee authorizations enacted into law by insisting that all contracts be awarded through one specific section of one specific law. This is the exact language the Senator from Oklahoma offered during Senate consideration of the recovery act and not the provision that was amended after Members were made aware of the negative impacts on our small business community.

Consequently, while it appears to be a good-government amendment, it is in fact the opposite. If this amendment is adopted, it will cause significant disruptions to small businesses across this country, and I don't wish to be part of that effort. Small businesses make up 99.7 percent of our Nation's employers and 50.3 percent of our Nation's private sector employment. Denying the ability of these small businesses to compete on a level playing field would severely impact small businesses that are