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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Lord, we continue to depend on You to guide our lawmakers on right paths. Only You know what the future holds and the resources we will need to meet our many challenges. Strengthen our Senators so that in the face of great challenges, they will be steadfast, abounding in works that honor You. Give them such confidence in Your providence that no problem will seem insoluble. In all their labors, may their primary motive be to bring glory to Your Name. May their thoughts, words, and deeds be acceptable to You, for You are their rock and redeemer. Make them totally committed to You and unreservedly dedicated to Your love.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, following the remarks of the leaders, I ask unanimous consent that the Senator from Iowa, Mr. GRASSLEY, be recognized for whatever time he may consume and, following that, we will move to H.R. 1105.

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

SCHEDULE

Mr. REID. Mr. President, it is my understanding there are seven amendments pending. We will dispose of those as quickly as we can. Votes on those will not be able to start until after 2 o'clock today because of Gordon Brown and other things going on here, but we will move through those as rapidly as we can, making sure people have an opportunity to speak for or in opposition. I have spoken to the Republican staff, and they have other amendments they wish to offer. We are moving along fairly well on this bill. We will recess at 10:40 this morning until noon for the joint meeting of Congress with British Prime Minister Gordon Brown.

We have a number of speakers lined up at 12 noon and thereafter to speak on the pending amendments. At 10 this morning, Senator MIKULSKI is expected to be here to speak on one of the pending amendments.

RECOGNITION OF THE MINORITY LEADER

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

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Mr. President, yesterday we had votes on a handful of amendments which were aimed at reducing the overall size of the Omnibus appropriations bill. Many of us who are concerned about the spending binge we have been on thought it would be responsible to bring it back in line with the appropriations bills we passed last year. That was obviously before the economic crisis.

As the junior Senator from Indiana put it this morning in an insightful oped piece in the Wall Street Journal, this bill was drafted last year.

Since then, economic and fiscal circumstances have changed dramatically, which is why—

As he put it—

the Senate should go back to the drawing board. The economic downturn requires new policies, not more of the same.

That is Senator EVAN BAYH of Indiana.

I ask unanimous consent to have the article, in which Senator BAYH calls on his colleagues to vote against the omnibus or for the President to veto it, printed in the RECORD.

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

[From the Wall Street Journal, Mar. 3, 2009]

DEFICITS AND FISCAL CREDIBILITY

A DEMOCRATIC SENATOR SAYS NO TO A HUGE FEDERAL SPENDING BILL

(By Evan Bayh)

This week, the United States Senate will vote on a spending package to fund the federal government for the remainder of this

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

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fiscal year. The Omnibus Appropriations Act of 2009 is a sprawling, $410 billion compilation of nine spending measures that lacks the slightest hint of austerity from the federal government or the recipients of its largess.

The Senate should reject this bill. If we do not, President Barack Obama should veto it.

The omnibus increases discretionary spending by 8% over last fiscal year's levels, dwarfing the rate of inflation across a broad swath of issues including agriculture, financial services, foreign relations, energy and water programs, and legislative branch operations. Such increases might be appropriate for a nation flush with cash or unconcerned with fiscal prudence, but America is neither.

Drafted last year, the bill did not pass due to Congress's long-standing budgetary dysfunction and the frustrating delays it yields in our appropriations work. Since then, economic and fiscal circumstances have changed dramatically, which is why the Senate should go back to the drawing board. The economic downturn requires new policies, not more of the same.

Our nation's current fiscal imbalance is unprecedented, unsustainable and, if unaddressed, a major threat to our currency and our economic vitality. The national debt now exceeds $10 trillion. This is almost double what it was just eight years ago, and the debt is growing at a rate of about $1 million a minute.

Washington borrows from foreign creditors to fund its profligacy. The amount of U.S. debt held by countries such as China and Japan is at a historic high, with foreign investors holding half of America's publicly held debt. This dependence raises the specter that other nations will be able to influence our policies in ways antithetical to American interests. The more of our debt that foreign governments control, the more leverage they have on issues like trade, currency and national security. Massive debts owed to foreign creditors weaken our global influence, and threaten high inflation and steep tax increases for our children and grandchildren.

The solution going forward is to stop wasteful spending before it starts. Families and businesses are tightening their belts to make ends meet—and Washington should too.

The omnibus debate is not merely a battle over last year's unfinished business, but the first indication of how we will shape our fiscal future. Spending should be held in check before taxes are raised, even on the wealthy. Most people are willing to do their duty by paying taxes, but they want to know that their money is going toward important priorities and won't be wasted.

Last week I was pleased to attend the president's White House Fiscal Responsibility Summit. It's about time we had a leader committed to addressing the deficit, and Mr. Obama deserves great credit for doing so. But what ultimately matters are not meetings or words, but actions. Those who vote for the omnibus this week—after standing with the president and pledging to slice our deficit in half last week—jeopardize their credibility.

As Indiana's governor, I balanced eight budgets, never raised taxes, and left the largest surplus in state history. It wasn't always easy. Cuts had to be made and some initiatives deferred. Occasionally I had to say ''no.''

But the bloated omnibus requires sacrifice from no one, least of all the government. It only exacerbates the problem and hastens the day of reckoning. Voters rightly demanded change in November's election, but this approach to spending represents business as usual in Washington, not the voters' mandate.

Now is the time to win back the confidence and trust of the American people. Congress should vote ''no'' on this omnibus and show working families across the country that we are as committed to living within our means as they are.

Mr. MCCONNELL. Today, Republicans are going to continue bringing up our amendments, amendments that we think are better and more responsible ways to use the taxpayers' money today.

Unfortunately, it has become increasingly clear that most of our Democrat colleagues here in Congress—Senator BAYH notwithstanding—are perfectly comfortable with the breathtaking rate of spending we have been on since the beginning of the year. They want it to continue, without restraint and without any end in sight.

Amazingly, in the midst of an economic crisis, congressional Democrats want to increase the annual spending included in this omnibus by 8 percent, which, compared to last year, is twice the rate of inflation.

At a time when Americans are learning to cut back, Democrats in Congress are suggesting we double up. As Senator BAYH put it in the same op-ed:

> The bloated omnibus requires sacrifice from no one, least of all the government. It only exacerbates the problem and hastens the day of reckoning. Voters rightly demanded change in November's election, but this approach to spending represents business as usual in Washington, not the voters' mandate.

Nobody wants an open-ended recession. But so far the only solution to the economic crisis that Democrats in Congress are offering is open-ended spending without any end in sight. And let's be clear about something: we cannot end a recession by digging the country into deeper and deeper debt any more than one can pay off a credit card by using it more often. And we can't tax our way out of a recession.

February was an expensive month for American taxpayers. In the month of February, Congress spent more money than we did in 7 years on the war in Iraq, the war in Afghanistan and Hurricane Katrina relief combined.

All of this spending is reason to carefully consider and pare back this massive spending bill, particularly in these areas which contain funding for 122 programs already funded in the stimulus bill.

Remarkably, even Senator HUTCHISON's amendment, which sought to find $12 billion, or just 1 percent, in duplicative spending from two bills totaling $1.2 trillion, was struck down.

I hope our friends across the aisle will join Republican efforts to ensure every taxpayer dollar is spent with care, and support amendments to protect taxpayer dollars.

This current spending bill is only one step in the spending process. It doesn't include the President's budget, the housing proposal, or untold trillions to stabilize financial markets and other programs

Our children and grandchildren can't afford this level of spending. They will be the ones left to pay off the Federal Government credit card that Democrats in Congress are busy maxing out.

HONORING OUR ARMED FORCES

SERGEANT DANIEL W. WALLACE

Mr. MCCONNELL. Mr. President, I rise because our country has lost a true patriot. SGT Daniel W. Wallace of Dry Ridge, KY, was tragically killed by enemy fire while serving his country in Afghanistan on October 31, 2008. He was 27 years old.

A member of the Kentucky Army National Guard since 2006, Sergeant Wallace was on his first deployment. For his valor in uniform, he received several medals, awards and decorations, including the Bronze Star Medal and the Purple Heart.

''Sergeant Daniel Wallace was a true patriot,'' says Kentucky National Guard Adjutant GEN Edward W. Tonini. He ''stood up and answered the call to serve his Nation in a time of need.''

Sergeant's Wallace's mother, Karen Wallace, says the same thing, but in a way only a mother could.

''Danny's my fallen hero,'' she says.

Daniel's family lived in the town of Latonia in the northern Kentucky suburbs of Cincinnati, when he was young. When he was about 9 years old, they moved to Dry Ridge in Grant County. They moved because Karen and Daniel's father, Kenneth, wanted to trade in life in the city for the country. But Daniel didn't take it so well.

''He didn't like the move . . . because of his friends being in Latonia,'' Karen remembers. ''He was always bored in the country, complaining about how there was nothing to do.''

It would come as no surprise, however, if I told you that Daniel, like any young boy, found plenty of things to do. He liked to fish, camp and watch and play sports like baseball, basketball and football. And with three brothers and a sister, there were plenty of people to do things with.

''He loved camping,'' says Karen. ''We'd get so tickled because he and [his brother] Alex would bet on who could make the first fire, [or] the biggest fire.''

Karen did set some limits for her son, however.

''He always wanted to go hunting but we never did that,'' she says. And ''he got mad at me for not letting him play football because he was so skinny.''

Daniel started attending Crittenden-Mt. Zion Elementary School, and when he was in third grade, Karen started working there. ''I was able to watch him as he was adjusting to a new school,'' she recalls. ''The teachers liked him. . . . He was very computer knowledgeable [and] . . . the teachers would have him fix computers.''

Daniel's father, Kenneth, recalls how his son was quick to look out for others.

''He always felt he had to protect the other kids,'' Kenneth says. ''He wanted

to know who did it if something happened.'' Karen recalls a few times when Daniel came to the defense of his brother Alex when he was teased by other boys.

Like the rest of his family, Daniel was also very committed to his church. One way they all contributed together was as a gospel band, the Wallace Family Band. Mom and dad sang. Their sons Charles and Brian played the guitar, Alex played the drums, and Daniel played bass guitar. The whole family got into the act.

After high school, Daniel went on to National College in Florence, where he took business classes. He was studying to be an accountant. ''Danny liked numbers and he enjoyed math,'' says Karen.

In high school and college he had a couple of jobs, working at a car dealership and as an apprentice with a steel manufacturer. But just as his family raised him to serve others through his work at church, Daniel felt moved to serve his country through military service.

''He liked the Army one hundred percent,'' his mother Karen says. ''You couldn't have budged him out of that. . . . I've never seen him happier in all my life than after he joined the National Guard.''

In the Guard, Daniel trained to be a combat engineer. His dad recalls that after his training, he was named the 218th Regiment Honor Graduate. Part of his training included learning how to deactivate explosive devices—his mother Karen recalls that ''on his evaluation, it said Danny likes to blow up things.''

Daniel also inspired his brother Alex to join the National Guard, and Alex became a medic.

''I'm proud of my brother,'' Alex says. ''I'm going to keep carrying on. I know he wants me to serve my full time, which is what I'm going to do.''

Daniel joined the 201st Engineer Battalion of the Kentucky Army National Guard, based out of Cynthiana, and was deployed to Afghanistan. He wrote his mother letters telling of his experiences, especially of his work to renovate the chapel for the soldiers on base.

''Danny made a library [in the chapel],'' Karen recalls. ''We'd send him books for the library and Danny read all of them. They were redoing the chapel outside and inside . . . he was always working in the chapel.''

Daniel's family shipped him his bass guitar, and he formed a band with his fellow soldiers in Afghanistan. Karen recalls how, before his posting in Afghanistan, Daniel had played with the Wallace Family Band one last time.

''Danny came in for 15 days of R&R, [and] we got one booking in the church,'' she says. ''Everybody was there . . . daughter-in-law, the boys, everybody. God has blessed us with our family. I've always told people that.''

The members of Daniel's loving family are in our prayers today as I share with my colleagues just some of Daniel's story. We are thinking of his son, Cody George Mardis; his daughter, Abigail Rose Wallace; his parents, Kenneth and Karen; his brother Charles, Charles's wife Robin and their children; his brother Brian, Brian's wife Jennifer and their children; his brother Alex; his sister Kim; his grandfather, Arvis Sinclair; and many other beloved friends and family members.

Daniel once asked his mother to write more letters—not to him, but to other soldiers who didn't have moms like her writing to their sons and daughters in a war zone. After Daniel's death, Karen heard from her son's fellow soldiers about how Daniel carried himself, even in the face of great danger.

''The letters I've received from the guys shows me Danny was true to God. He had a true mission over there,'' Karen says. He'd always say, 'Mom, don't worry—God's watching over me.' ''

Nothing could ever take away the pain of this family's loss. But I hope Daniel's loved ones know there is one other thing they should never worry about: that our Nation could ever forget Daniel's great sacrifice.

And this U.S. Senate will forever honor Sergeant Daniel W. Wallace for his service to country.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa is recognized.

PRIVATE DEBT COLLECTION AMENDMENT

Mr. GRASSLEY. Mr. President, I rise for the purpose of discussing an amendment that was filed yesterday that I hope I get an opportunity to offer. I am going to touch on these points, but I thought I would highlight a couple points about this amendment.

First of all, there is bipartisan agreement in this body there is a $290 billion tax gap—''tax gap'' meaning taxes that are owed but not collected. There is also an understanding that is not written that the IRS is not going to go after taxes unpaid, through their own employees, of under $25,000 a year. There is a feeling by some people in the IRS there ought to be more employees hired to go after the tax gap, but even if those additional employees are hired, they still will not go after those under $25,000.

Now, we have a program in place I wish to defend in my remarks. That program in place is the IRS contracting with private collection agencies to go after the money that is owed for those under $25,000; and to make the point, that program is working. But the bill before us, the Omnibus appropriations bill, contains a provision that would essentially kill the IRS private debt collection program, which the Senate, working through the Senate Finance Committee I serve on, only authorized a short period of 4 years ago. The IRS implemented that program only 2 years ago.

This program, which has never been fully operational in its brief 2-year period, allows the Internal Revenue Service to use private collection agencies to collect money owed to the Government. The program has many critics, and once again they are seeking to destroy the program before we have a chance to gauge how effective the program is.

Before I discuss the merits of the program, I wish to note that an appropriations bill is not the proper vehicle to nullify tax policy. The private debt collection program was created in a tax bill within the jurisdiction of our Finance Committee, and further legislation affecting the program should be done through the committee where the expertise is, the Finance Committee. Whether you would agree with the program, I think everyone could agree on the importance of the committee structure that we use in the Senate. In other words, a committee of jurisdiction where the expertise is ought to work to change a program if it needs to be changed or if it needs to be done away with, as basically the appropriations bill would do. I would assume members of the Appropriations Committee would not want—would not want—those of us on the Finance Committee making decisions against the expertise of the Appropriations Committee.

The IRS private debt collection program facilitates the collection of tax debts the IRS would not otherwise pursue. These liabilities amount to billions of dollars a year.

A Government Accountability Office report issued in June of 2008 reported the unpaid tax debt as of fiscal year 2007 to be about $290 billion, of which almost $185 billion was classified as nonpotentially collectible inventory and $25.5 billion was deemed potentially collectible but not in active collection status. The private debt collection agencies are only permitted to pursue debts taxpayers have conceded they owe.

Opposition to this program is surprising, since the Internal Revenue Service program is intended to run like similar programs at other agencies. In other words, the Department of Education uses private collection agencies to pursue delinquent student loans. The Treasury Department, which houses the Internal Revenue Service, also houses the Financial Management Service, and, ironically, the Treasury Department uses private debt collection agencies to collect small business loans.

So if it is OK for one branch of the Treasury Department to do that, why isn't it OK for the Internal Revenue Service to go after taxes owed but not paid? The only reason I can think of that private debt collection is so controversial at the Internal Revenue Service is simply the opposition to the program from the National Treasury

Employees Union. The National Treasury Employees Union is comprised primarily of Internal Revenue Service employees, and according to that union's Web site, is the largest Federal sector union in the entire country.

The other Government agencies that use private debt collectors do not have as powerful a union fighting for more Government jobs. Yet this program does not threaten the jobs of revenue agents already working at the IRS. The tax debts the private collection agencies are targeting are debts the Internal Revenue Service is not even pursuing, and likely would not pursue even if additional revenue agents were hired.

In May 2007, Acting Commissioner Kevin Brown—now this is a Commissioner of the Internal Revenue Service—when testifying before a subcommittee of the House Ways and Means Committee, confirmed that the Internal Revenue Service would not otherwise pursue these debts, even if the IRS were given additional resources. So the bottom line is this: There are no IRS jobs on the line. Rather, the National Treasury Employees Union believes the IRS should be hiring more union employees to do collections work.

In contrast, I believe if the IRS is going to hire more workers, it should be agents to do more exams—work that private contractors cannot do. Former IRS Commissioner Mark Everson stated in a letter to me on April 11, 2007, that a full-time revenue agent auditing individual tax returns historically brings in nearly $700,000 annually.

Mr. President, I ask unanimous consent that Commissioner Everson's letter be printed in the RECORD, as well as a followup letter I wrote to Treasury Secretary Paulson on this issue.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, April 11, 2007.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: This letter follows-up on a matter that has been an ongoing concern to both the Internal Revenue Service (IRS) and you for several years now, and that you raised in a meeting with IRS senior executives on January 30, 2007. Specifically, you asked for information on the use of official time by representatives of the National Treasury Employees Union (NTEU).

Reducing the use of official time by NTEU representatives has been a significant point of negotiations between the IRS and NTEU for several years. Over time, the IRS has established greater controls over time granted to union officials to perform representational duties.

As illustrated by the enclosed chart, from 2002 through 2006, total annual NTEU time spent on union related activities has decreased approximately 14 percent, from 729,988 hours to 630,539 hours. Per your request at the January 30, 2007, meeting to quantify the data in terms of full time equivalents (FTEs), this represents a reduction from approximately 350 to 302 FTEs. To further quantify this in terms of resource and revenue trade-offs, as you requested, historically a full-time SB/SE revenue agent auditing individual tax returns brings in nearly $700,000 annually.

While progress has been made, the IRS recognizes that more needs to be done. The recent IRS–NTEU mid-term negotiations in 2006 produced a broad range of means for achieving operational efficiencies. These include simple time-efficiencies such as increasing the number of meetings conducted by phone and requiring stewards within the commuting area to attend in-person meetings. Other measures include establishing an annual cap of 850 hours of representational time for the vast majority of stewards, reducing the grievance procedure for performance appraisals and mass grievances from a multi-step to a one-step process, and streamlining NTEU's participation on various committees.

Reducing the amount of official time continues to be a priority and we will seek significant additional improvements in our upcoming contract negotiations. Please contact me should you require additional information or a member of your staff may call Robert Buggs, Chief Human Capital Officer. at 202–622–7676,

Sincerely,

MARK W. EVERSON.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, May 15, 2007.

Hon. HENRY PAULSON,
Secretary,
Department of Treasury,
Washington, DC.

DEAR MR. SECRETARY: I am writing to you regarding an ongoing concern that I have with respect to the amount of official Internal Revenue Service (IRS) time used by representatives of the National Treasury Employees Union (NTEU). As you are aware, I have been a strong advocate of using IRS resources in the most productive manner possible.

Based on information former Commissioner Everson provided to me in a letter dated April 11, 2007, total NTEU time spent on union related activities for 2006 equated to 302 full time equivalents (FTEs). In terms of resource and revenue trade-offs, the letter referenced a historical figure of a full-time SR/SE revenue agent auditing individual tax returns bringing in nearly $700,000 annually. Thus, according to IRS figures, total NTEU time for 2006 represents approximately $211,400,000 additional direct revenue that could have potentially been brought into the United States Treasury. This figure does not account for any increase in revenue that would be gained indirectly through the increased audit activity. At a time when this Committee is increasingly looking at new methods of closing the tax gap, it is imperative that we first ensure that the IRS is effectively using its existing resources.

At the Senate Finance Committee's tax gap hearing on April 18, 2007, former Commissioner Everson stated that the IRS was in the process of trying to renegotiate the NTEU agreement, which would include a renegotiation of union activity time, Former Commissioner Everson also stated that the amount of time devoted to union activities is proportionately higher at the IRS than it is in comparison to other departments and agencies within the government. Without getting into whether taxpayers should even be funding union activity, please provide me with an analysis of IRS union activity time versus union time for other governmental departments and agencies. Please also quantify this analysis in terms of FTEs and the number of agency or department employees who are represented by the union. What is being done in the renegotiation process to bring the IRS–NTEU agreement at least more in line with practices elsewhere in the government?

Thank you for your time and attention to this matter. I would appreciate your response by May 25, 2007.

Cordially yours,

CHARLES E. GRASSLEY,
Ranking Member.

Mr. GRASSLEY. For me, this proves the IRS would be better off hiring more examination agencies than debt collectors. In addition to the National Treasury Employees Union's failure to discuss the success of private debt collection programs at other Federal agencies—I mentioned them, Education and one other branch of the Treasury Department—the National Treasury Employees Union also conveniently fails to mention that the private collection agencies hired by the IRS have consistently scored customer satisfaction ratings above 95 percent, while the IRS collection employees appear to be scoring at less than 65 percent.

The National Treasury Employees Union also fails to mention the amount of employee time devoted to union activities is proportionately higher at the Internal Revenue Service than it is in comparison to other Federal Departments and agencies. Commissioner Everson testified to this at the Senate Finance Committee tax gap hearing held on April 18, 2007. Just think, then, of the additional revenue IRS could be collecting if union employees were actually doing the job they were paid to do instead of spending taxpayers' dollars to lobby Congress to do away with a program that is collecting money owed under $25,000 a year that would not otherwise be collected. Of course, they do not like that program.

Since the omnibus provision prohibiting the IRS from using 2009 appropriations to fund the program office may actually kill the program, I have this amendment before the Senate. I mean, at least it is filed. It is not before us yet. I would not support a government program that is unsuccessful, and this private debt collection program is no different. However, we do not have enough information to know whether this program is effective, and, given the success of such programs at other agencies, I believe it can be successful at the Internal Revenue Service. It surely is successful at the Education Department.

Last week, I, along with Senator HARKIN, my colleague from Iowa, and Mr. SCHUMER, the senior Senator from New York—the three of us—sent a letter to Treasury Secretary Geithner and IRS Commissioner Shulman asking for more information so we can actually make an informed decision on the effectiveness of the private debt collection program.

The letter asks for, among other things, additional information to measure the cost-effectiveness of the program, information to gauge the results of the collection agencies, and more information on the use of collection

agencies by other Government agencies. So all my colleagues are able to read the letter, I ask unanimous consent that letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, February 26, 2009.

Hon. TIMOTHY F. GEITHNER,
Secretary of the Treasury,
Washington, DC.

Hon. DOUGLAS H. SHULMAN,
Commissioner of Internal Revenue,
Washington, DC.

DEAR SECRETARY GEITHNER AND COMMISSIONER SHULMAN: We are writing regarding the private debt collection program (PDC) that is being implemented by the Internal Revenue Service (IRS) and has been in place since 2006. We are aware that many critics believe that the program does not operate effectively, and they lead an annual effort to strip the IRS of all authority to implement it. But we do not believe that the necessary data has been collected and disseminated that would allow an informed decision to be made about the program's long-term effectiveness.

Make no mistake: If the program is genuinely unsuccessful, we would be among the first to concur that it should be terminated. However, we remain very concerned that IRS will terminate the PDC program before a complete and thorough accounting of the program is conducted. For example, while some are critical of the effectiveness and efficiency of the PDC program, we have yet to see solid, reliable numbers. Criticism of the program's return on investment do not account for its start-up or investment costs, and ignore the fact that the program has not been fully operational for any of its two years.

We appreciate that the IRS has decided to use an independent third party to study the effectiveness of the program, and its report may be issued as early as next week. But it is not clear that the new study will discuss ways to increase the efficiency and effectiveness of the PDC program or explain why similar programs at other federal agencies appear to be successful. For example, the Department of Education uses PCAs to collect student loan debt, and the Department of Treasury Financial Management Service uses them to collect small business loans, farm loans, and other similar debt owed to the federal government, and these programs appear to work well with little controversy.

Given the amount of uncollected tax debt, a program that was allowed to operate at full capacity would have the potential to be successful, yet the current program has only operated in fits and starts. In fact, during the past fifteen years, the Government Accountability Office (GAO) and the Treasury Inspector General for Tax Administration (TIGTA) have issued numerous reports discussing the IRS's problems in collecting delinquent debt. A list of these reports is attached. Some of the key findings include:

In its May 1993 report, New Delinquent Tax Collection Methods for IRS, the GAO highlighted the complexity of the IRS's collection process. GAO presented a number of options to improve the IRS's delinquent debt process, including establishing early telephone contact with debtors and utilizing private collection agencies. So there is a long track record indicating that a well-run PDC program could be successful.

In its June 2007 report, Tax Debt Collection: IRS Has a Complex Process to Attempt to Collect Billions of Dollars in Unpaid Taxes, the GAO description of the IRS's collection process indicates that IRS has not experienced significant improvement in its collection function since 1993. The report also states that the total unpaid tax debt as of fiscal year 2007 was $290.1 billion, of which $184.8 billion was classified as non-potentially collectible inventory and $25.5 billion was deemed potentially collectible, but not in active collection status. This would seem to be further justification for a viable PDC program.

In its December 2008 report, Tax Administration: IRS's 2008 Filing Season Generally Successful Despite Challenges, Although IRS Could Expand Enforcement During Returns Processing, the GAO notes that, because collections staff was reassigned to answer telephone calls regarding stimulus payments, the IRS reported $655 million in forgone revenue through August 2008 alone, which means that the number for the whole calendar year will likely be greater. If the IRS viewed the PDC program as part of its larger collection program, rather than a standalone program, PCAs may have been able to complete the work of the collections staff that had been temporarily reassigned.

It is important for critics of the program to recognize that the IRS's PDC program is designed to go after tax debts that have been conceded by taxpayers, but not paid. What's more, even if the IRS enforcement budget were significantly increased, the accounts turned over to PDC are those that would still likely be ignored by IRS collection agents. In his May 2007 testimony before the Committee on Ways and Means, Subcommittee on Oversight, Acting Commissioner Kevin Brown, confirmed that IRS would not otherwise pursue these debts even if IRS were given additional resources.

We remain cautiously optimistic that a PDC program could be successful in helping to close the tax gap, but only if it is allowed to operate at full capacity. Only after that point could a determination be made about whether the program is meeting its objectives. We are hopeful that the report being prepared will provide answers to the following questions. If not, we hope that you will take the time to let us know the following key information before the IRS makes any final decision about the PDC program:

The primary argument for terminating the IRS PDC program is that it is not cost effective. In order to better understand the program's revenues and costs, we would like a monthly accounting of all funds expended on the program since its inception, including a breakdown of all costs for IRS personnel involved in administering the program (salary levels, positions descriptions, etc.), as well as costs associated with technology and travel.

We would also like to know the number of cases placed with the private agencies since the program began, including the number of cases for which the amount was collected in full, the number of resulting installment agreements, and the number of cases recalled and reasons for recall. We would also like an accounting of the commissions earned by the PCAs since the program started.

Some taxpayers choose to ignore the IRS's many letters and respond to the IRS only after it notifies them that their cases will be referred to a PCA. In these cases, where the IRS benefits from the use of the PCA's names, we would like to know why the PCAs are not compensated when those taxpayers settle those debts.

We would also like for you to describe how IRS's collection process and procedure differs from the process and procedure used by PCAs in collecting IRS debts, including the IRS's ability to make outbound phone calls, negotiate or settle tax debts, and impose liens and levies.

Another criticism of the program is that the IRS has run out of cases that can be assigned to the current PCAs, which is why other PCAs have not been added. However, the exclusion list, which was not determined by statute but by the IRS, appears fairly extensive. In addition, as noted above, the GAO's June 2008 report indicates that, as of fiscal year 2007, there was at least $25.5 of potentially collectible inventory that IRS was not actively pursuing. We would like to know how each of the exclusion criteria was determined.

Tables 5, 6 and 7 of the GAO's June 2008 provide a breakdown of the total delinquent debt for fiscal years 2002 through 2007. Please update these tables to add numbers for fiscal year 2008 and provide a breakdown of this amount by the exclusion criteria. We would also like to know why all potentially collectible inventory is not in active collection status and cannot be assigned to PCAs.

We would also like to know whether Treasury or any other agency has studied the cost effectiveness of the use of PCAs by Treasury or other federal agencies. If such studies are available, we would like to see them.

Finally, you may be aware that there are almost 200 jobs in both Iowa and New York that will be lost if the IRS PDC program is terminated prematurely. Given the current economic crisis, such job losses should not be forced to occur before a full accounting of the program's success is made available and/or the program is allowed to operate as originally intended. The recently enacted Economic Recovery Act, which will further strain IRS resources, is an additional reason why the PCAs should be allowed to operate until the success or failure of the program can be definitively determined.

If you have any questions regarding the above, please do not hesitate to contact our staff. We also ask that you brief our staff on the forthcoming study before the study is finalized and made public.

Sincerely,

CHUCK GRASSLEY,
U.S. Senator.
CHARLES E. SCHUMER,
U.S. Senator.
TOM HARKIN,
U.S. Senator.

REPORTS & TESTIMONIES RELATING TO IRS COLLECTION ACTIVITIES

Ways & Means Committee, May 2007 Hearing, *http://waysandmeans.house.gov/hearings.asp?formmode=detail&hearing=562.*

GAO

May 1993, GAO/GGD–93–97, New Delinquent Tax Collection Method for IRS, *http://archive.gao.gov/t2pbat5/149340.pdf.*

April 1996, GAO/TT-GGD–96–1, W&M Oversight Testimony Tax Administration: IRS Tax Debt Collection Practices, *http://www.gao.gov/archive/1996/gg96112t.pdf.*

May 2004, GAO–04–492, IRS Is Addressing Critical Factors for Success for Contracting Out but Will Need to Study Best Use of Resources.

September 2006, GAO–06–1065, IRS Needs to Complete Steps to Help Ensure Contracting Out Achieves Desired Results and Best Use of Federal Resources.

June 2008, GAO–08–728, IRS Has a Complex Process to Attempt to Collect Billions of Dollars in Unpaid Tax Debts.

December 2008, GAO–09–146, Tax Administration: IRS's 2008 Filing Season Generally Successful Despite Challenges, although IRS Could Expand Enforcement During Returns Processing.

TIGTA

March 2007, 2007–30–066, The Private Debt Collection Program Was Effectively Developed and Implemented, but Some Follow-up Actions Are Still Necessary.

December 2007, 2008–10–054, Invoice Audit of Fees Paid Under the Private Debt Collection Initiative.

March 2008, 2008–20–078, Private Collection Agencies Adequately Protected Taxpayer Data.

April 2008, 2008–30–095, Trends in Compliance Activities Through Fiscal Year 2007.

Mr. GRASSLEY. It boils down to the fact that we should have a chance to obtain and review this information before killing a program that is going after money owed—$25,000 or less—from people who have said they acknowledge they owe it, that IRS employees would not go after. This affects jobs in a couple States, and I wish to say that when we are having a program—as the stimulus bill did—to keep people from being laid off and to have people being hired, you would at least think we would not think about eliminating jobs in a couple States. I was a supporter of this program before any contracts were awarded. As I said, I will not support the program if it does not prove effective.

Given the propensity to spend the Government seems to be afflicted with, there is going to be a hunger for new sources of revenue which is going to be controversial. What should not be controversial is that we need to collect taxes currently owed in the most effective and most efficient way possible and particularly not ignore a policy of not going after money under $25,000. Since the private debt collection program will accomplish that, I urge support for this amendment when it comes up.

I yield the floor.

RESERVATION OF LEADER TIME

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

The Senator from Illinois is recognized.

AUTHORIZATION TO APPOINT ESCORT COMMITTEE

Mr. DURBIN. Mr. President, before responding to the Senator from Iowa, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Honorable Gordon Brown, Prime Minister of the United Kingdom, into the House Chamber for the joint meeting.

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

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Coburn amendment No. 596, to require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this act.

Coburn amendment No. 608, to provide for the Emmett Till Unsolved Civil Rights Crime Act from funds already provided for the Weed and Seed Program.

Coburn modified amendment No. 623, to prohibit taxpayer dollars from being earmarked to 14 clients of a lobbying firm under Federal investigation for making campaign donations in exchange for political favors for the group's clients.

Coburn amendment No. 610, to prohibit funding for congressional earmarks for wasteful and parochial pork projects.

Wicker amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

Thune amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset.

Murkowski amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce.

Mr. DURBIN. Mr. President, Senator GRASSLEY and I do not see eye to eye on this issue, and I wish to state for the record why this section was included in the appropriations bill.

First, it is hard for me to follow his argument that because the Finance Committee created a permissive arrangement where the Internal Revenue Service could enter into contracts with private companies to collect IRS debts, it somehow takes away the authority of the Appropriations Committee to even address this issue. It is a permissive statute. It does not require the IRS to sign up a private company. When the IRS does exercise the right under that statute, it involves Federal expenditures, appropriations.

My provision in this bill is not tax language. My provision in this bill says: None of the funds in this bill may be used to enter into, renew, extend, administer, implement, enforce or provide oversight of such a contract. We go directly to the spending aspects. There is no committee violation here. This is our jurisdiction.

Senator GRASSLEY's committee, the Finance Committee, does not pay for these agencies. The appropriations process does. So we are exercising our authority—no violation of committee jurisdiction, which, of course, means little to those following this debate but means a lot to those of us who serve in this Chamber.

Let me tell you what this is about. This is about collecting debts owed to the Federal Government, specifically the Internal Revenue Service, and the Finance Committee said: Let's see, if we let private collection agencies do it, whether they can save us money and do it more effectively. That is a legitimate inquiry. It is one I would be open to. I think it is reasonable to see if that might happen.

Well, let me tell you what has happened. After the Federal Government spent $71 million in start-up costs to allow two companies, one in Iowa and one in New York, to move forward on this first phase of outsourcing programs, they started operations in September 2006. Presently, the IRS has contracts with two companies—one in Senator GRASSLEY's State of Iowa and one in the State of New York—for the collection of unpaid Federal income tax liabilities. The IRS is currently in the process of determining whether to exercise the option to extend these contracts for a 1-year period. That is why our language came in and said: Stop, don't do it. And I will explain why. There are a host of reasons.

The collection of Federal taxes, of course, is a core Government function, but I am not going to argue with the premise that we should see if we can do it with more cost efficiency by using private collectors. It is true that the information we are talking about here is sensitive information. So the IRS, of course, has access to more information about the debtors than the private collection agencies, and we want to always make certain we protect the confidentiality of certain information all American citizens share with their Government and don't believe it is going to be broadcast to any private company. So there is a natural tension here between the efforts of a private business making money collecting back taxes and the Internal Revenue Service, which has more information at their disposal in making evaluations but also a higher responsibility and duty in protecting the privacy of taxpayers with the information they provide our Government.

Let's get down to the bottom line. Using private companies to collect taxes is far more costly than having qualified, trained IRS employees do the work. I couldn't say that without evidence to back it up. Since the inception of this private collection program, the Internal Revenue Service has spent approximately $80 million to set it up and administer it and we have received back as taxpayers $60 million in net revenue, after paying these private companies in Iowa and New York $13 million in commissions—$13 million to receive back $60 million. According to the IRS, private collection agencies were originally projected to bring in $65 million in fiscal year 2007 and up to $127 million in fiscal year 2008. So what happened? Instead, they raised $32 million in 2007—less than half of what we expected—and only $37 million in gross revenue in fiscal year 2008, about a fourth of what we expected. So their performance was dramatically less than promised, dramatically less than the IRS anticipated when they entered into these contracts.

The IRS has not identified any best practices from these private tax collectors, which was one of the stated intentions of the program. These private companies were supposed to show us

the way to collect money more effectively. So far, they haven't, and they have fallen down in their own goals in terms of collection of back taxes. The private companies have collected approximately one-half or less of what they were supposed to bring in, but they continue to be paid 21 to 24 percent in commissions on the easiest cases of all, totaling $13 million we have paid to these private companies.

Now, Senator GRASSLEY made a reference to student loan collection. Of course, he should acknowledge, if he makes that reference, that we cap the commission for student loan collection at 16 percent. Instead, these companies in Iowa and in New York are being paid 21 to 24 percent of back taxes collected, so they are getting a premium and they are collecting far less than they said they would.

The story gets more interesting.

The IRS already has a significant collection infrastructure: thousands of trained employees. I heard Senator GRASSLEY make negative references to unions. That is his point of view. I don't share it, but I do believe union employees should be given an opportunity to be compared in their collection practices with those in private business. Let's be fair about this. This was an experiment, and the premise was that if you just turn it over to a profit-making, private company, it is going to do a better job and it will be cheaper for the Government—cheaper than relying on IRS employees who may or may not be members of the union to which Senator GRASSLEY referred. The automated collection system in the Internal Revenue Service is a critical collection operation. It collects nearly $1.5 million per employee, per year. It works. So the employees at the IRS are collecting the back taxes as they promised they would.

Now, listen to this: The Internal Revenue Service National Taxpayer Advocate, Nina Olsen, has estimated that IRS employees collect $32 for every $1 spent, compared to collections by the private agencies of $4 for every dollar given to them in commissions—8 to 1. If this is about comparing the dollar cost of collecting back taxes, the IRS employees win this 8 to 1. How in the world can anyone justify continuing subsidizing private collection agencies that can't do the job as well as the employees of the Internal Revenue Service?

According to the ''Taxpayer Advocate Annual Report to Congress'' in December 2008, the IRS automated system of collection—using IRS employees—collected more than three times as much as the private collectors did. They went on to say that this automated collection system in the IRS collected 13 percent of the balance due, while private collectors collected 4 percent of the balance due. By every tangible measure, the employees of the IRS are doing a dramatically better job than those in the private collection agencies.

These agencies have failed to meet the goals they set in terms of the amount of money they collect and how much they would charge the Government for all the years they have been doing this—in the 2 straight years. Is it any wonder we have questioned whether we should continue this? This is a subsidy—a subsidy to private companies that have not met the burden they said they would meet to prove to the taxpayers theirs was a more cost-efficient way to collect back taxes.

The last argument made by Senator GRASSLEY is an interesting one. He argued—even though he opposed President Obama's stimulus package—that we needed to keep subsidizing these private collection agencies because we need to create more jobs in America. In other words, this would be Senator GRASSLEY's private stimulus package for this company in Iowa. Well, I would say to the Senator that, sadly, with the state of this economy, collection agencies shouldn't have any problems finding work to do. I just don't think the American taxpayers ought to be subsidizing them. I think basic Midwestern values suggest to us that we have experimented and the experiment results are in. This has turned out not to be a good investment of taxpayers' money. As the chairman of the subcommittee that has to pay for this, I can't justify it. I can't justify it for New York or for Iowa or for any State. We tried this experiment in good faith, and the private collection agencies failed to come through as promised.

Let's put the money, as I suggest in this appropriations bill, into the trained employees, with the automated collection system, who are bringing back, by a margin of 8 to 1, more back taxes than these private companies in Iowa and New York. I believe that is reasonable, and I find it hard to understand how many of my Republican colleagues who criticize this Omnibus appropriations bill for wasting money would vote for the Grassley amendment which would continue the subsidy—wasting taxpayers' dollars—with private collection agencies that have not been as effective as the Internal Revenue Service.

Until these private companies can prove they can do the job better, do it more efficiently, do it at a lower cost, there is no reason we should continue this subsidy. A personal stimulus bill for a company in Iowa and a company in New York is something we can ill afford to do at this moment when we are trying to deal with the costs of this Government and bringing them under control.

The Omnibus appropriations bill increases funding for the IRS with a boost of over $337 million in enforcement activity. With these enhanced funds, the IRS will be hiring new employees who can do this work efficiently, as they have proven time and time again. They have the tools, they have the options the taxpayers have a right to expect, and they will protect the privacy of the taxpayers in the process. Section 106, which Senator GRASSLEY addresses, will ensure that appropriated funds for tax collection work will be put to optimum use within the agency rather than being diverted to outsourced Government work, which has shown that it cannot meet its promises of reducing the cost of Government and increasing collections. We know it works. Let's stick with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I am not going to take long to respond because I think the main point I make is this. My remarks were not addressed by the Senator from Illinois. The issue we are talking about is an IRS policy that they will not go after any amount of money under $25,000, even though those are amounts that individuals agreed they owe.

So any comparisons of what the IRS can do versus what private debt collection agencies can do is not legitimate because you can hire more IRS employees. But I told you the policy of the IRS if they hire more employees, they will not go after amounts of $25,000 or less and I think it is fair to taxpayers that are honest, that every dollar owed is collected. Not one dollar more. And that we shouldn't have a government policy that is not going to go after it, and this program does go after it.

He mentioned start-up costs and this is very important because you cannot judge the cost effectiveness of a program based on how much was spent on start-up costs. There are start-up costs in any Federal agency, for any new agency or program that starts out. You can't weigh the costs incurred for what was supposed to be a permanent program against the benefits of a program that hasn't been fully operational for most of the 2 years of its existence.

And the reason it hasn't been fully operational, is that the union, the taxpayer advocate, and even the chief counsel, continued to throw up roadblocks by weighing in on what type of cases the contractors could work. This means that even though the program was supposed to start in September 2006, it was months later before the contractors received the full allocation of cases they were supposed to get.

The Senator from Illinois asked what happened in regards to why the actual amounts collected to date by contractors was lower than expected. Well, that is what happened. And to his point about paying $13 million for $60 million of revenues. Let's be honest—the contractors are paid on a commission basis so the IRS isn't paying anything out of its pockets. The contractors are getting a percentage of the taxes they collect and they don't get paid for all the work they do that generates no collection. Because of the IRS policy to not collect taxes due under $25,000, the $60 million IRS did get is revenue that IRS would never have received.

He also mentioned this, there is a difference between what is paid to education debt collection contractors and what is paid to tax debt collection contractors. He is right. But there is a factor with collecting taxes that is not true in the case of the Education Department and that is the privacy issues that have been brought up. The contractors with the IRS incur higher expenses than education contractors because they don't have access to all the information IRS has because the law does protect the privacy of taxpayers. And because they have to provide all of the safeguards and protections that IRS provides, the contractors have to incur more security expenses than education contractors.

The Senator from Illinois mentioned the success of IRS's use of automated collection systems. You have to remember that there is nothing automated about the IRS's so-called automatic collection system. The contractors use automated systems to determine which taxpayer to call next. The IRS doesn't even make outbound phone calls—the only phone calls are returning phone calls when taxpayers call the IRS with questions about a letter they received.

Finally, the Senator from Illinois described my efforts to continue to fund the IRS program as my own personal stimulus plan because it will save jobs in Iowa. I want to make clear that it was expected that the IRS would contract with 10 or 15 contractors—not just 2. But because of all the roadblocks put up by the union and others, the IRS apparently claims that there aren't enough cases to provide to even these two contractors. This doesn't make sense to me since there is apparently $25 billion of potentially collectible debt that the IRS is not pursuing. The program, if run properly, would have and should have been expanded to include other contractors. And I would also like to point out that these two contractors are national organizations and between them are likely to have offices and employees in almost all of the 50 States.

So the bottom line of our approach in this program is to make sure that the honest taxpayer is protected. And that we do not support an IRS policy that we aren't going to collect the money from everyone—a policy which is not clear to me that IRS is going to change. And we're showing that we do not accept this policy through this program. We are going after that money that no IRS employee is going to go after. And if you're going to be fair to the taxpayer that pays every dollar that they owe, it seems to me we should make every effort we can to go after all taxpayers who do not pay their taxes. I yield the floor.

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

Mr. DORGAN. Mr. President, my understanding is the Senator from Maryland is going to seek recognition next. I ask unanimous consent to be recognized following the presentation by the Senator from Maryland.

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

Ms. MIKULSKI. Mr. President, I know the Senate is on a tight timeframe because there will be a joint session of Congress to welcome the Prime Minister of England, our greatest ally.

I rise today as the chairperson of the Appropriations Commerce, Justice, Science Subcommittee and to lay out for our colleagues what is in this appropriation and why it is needed and what compelling human needs it meets.

No. 1, why do we have to do this since we passed the stimulus? Actually, we should have done this before the stimulus. We should have done it in October. Why didn't we? We didn't do it in October because we were facing a hostile White House and an OMB Director who was hostile to the very agencies this funds. We didn't want to send this appropriations to the Bush White House because all we would have faced was one more back-and-forth parliamentary quagmire.

This appropriation keeps the U.S. Government going. What my subcommittee does is fund those agencies that are critical and crucial to the economic growth of the United States of America, that will protect the communities of the United States, and will also work to protect our planet. In terms of economic growth, this is the subcommittee that funds all science agencies with the extension of the National Institutes of Health and the Department of Energy. It comes up with the new ideas. It follows the recommendations of the National Academy of Sciences about how we can rise above the gathering storm to be competitive today and be able to be competitive tomorrow. In English, and in the diners around Maryland, that would mean jobs today and tomorrow. It is in basic research that we come up with the new ideas that lead to the new products, that lead to the new jobs.

That is what this CJS funds. At the same time, it funds the Patent Office. Our colleagues on the Judiciary committee will be giving us a new framework for the protection of patents. That is a geek word that means if you invent it, we are going to protect you, and you will be able to harvest the benefits of your new idea. We are going to protect intellectual property because it is right now, in the knowledge-driven economy, the property of choice to be protected.

This subcommittee funds research, innovation, the development of technology. It also funds the Department of Justice—gosh, a Department of Justice that even remembers what the name means. I am so excited about working with our new Attorney General.

In addition to the work of the Justice Department, it funds local law enforcement through cops on the beat and Byrne grants, and our national Federal law enforcement agencies—the FBI, Bureau of Alcohol and Firearms, and the Marshal Service.

So if you want to know, why should we support the CJS? If you want jobs today and tomorrow, you want to vote for this appropriation. If you want to keep neighborhoods safe, you want to vote for this appropriation. If you want the marshals going after sexual predators so there are no more Adam Walshes, vote for this bill. If you want to protect violence against women, victims of domestic violence, and have the shelters and community interventions, you want to vote for this bill. If you are so proud of the great genius of the United States of America and its entrepreneurship that comes up with these new ideas, these new products, you want to vote for this bill because you want a Patent Office where you don't want to stand in line for years to be able to protect your ideas so they are not stolen or hijacked or pirated around the world. You want to vote for this bill. If you want to protect our planet—global warming is a real threat, from the standpoint of our Director of National Intelligence, who says global warming could destabilize populations, and it is a national security issue. It is not only about protecting the polar bears; it is also about protecting the Port of Baltimore, Chesapeake Bay, our coastline, and those around the world. If you want to protect the planet and our homeland, you want to vote for this bill.

In summary, these are the top 10 reasons to support CJS in the 2009 omnibus bill:

I ask unanimous consent to have them printed in the RECORD.

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

1. Funds the FBI, our chief domestic national security agency, to take down terror cells and dirty bombs on U.S. soil ($7 billion).
2. Adds 85 FBI agents and forensic accounting professionals to combat mortgage and financial fraud ($10 million).
3. Funds DEA to fight international drug cartels that finance terrorism and infiltrate our neighborhoods with heroin and meth ($2 billion).
4. Funds ATF to partner with the military to dismantle IEDs that maim and kill our troops on the battlefield ($1 billion).
5. Supports cops on the beat—provides $3.2 billion for state and local law enforcement, $2.1 billion above the previous Administration's request—to help state and local police fight gangs, drugs, crime and child predators.
6. Highest funding level ever for the Violence Against Women Act programs to combat sexual assault and domestic violence and help victims get their lives back together ($415 million).
7. Protects our kids from predators by preventing, investigating and prosecuting crimes against children ($234 million).
8. Advances climate research and restores satellite climate sensors cut by the previous Administration ($270 million).
9. Enhances U.S. competitiveness and innovation by increasing science and technology research at NSF and NIST, a 7 percent increase over last year ($913 million).

10. Restores fiscal responsibility and accountability to ensure stewardship of taxpayer dollars—prohibits funds for lavish banquets, controls cost overruns, and requires IGs to do random audits of grantees.

Ms. MIKULSKI. I am tired of the naysayers who come up with these quirky little congressionally designated projects and make them a subject of ridicule. Our country, our ship of state, right now is leaking. We can right that ship and President Obama is righting that ship. This CJS bill is the right tool to be able to do that.

What are the consequences of not passing this bill? I will tell you right now. Let's go to law enforcement. If we do not pass this bill and we put it on something called a continuing resolution, that is essentially keeping it barely afloat. The FBI will get a half billion dollars less to run their agency for this year. If Director Mueller were here, he would say this means 650 fewer FBI special agents. It means less analysts and other people fighting crime on U.S. soil. It means we cannot hire 100 new FBI specialists in forensic accounting to go after the mortgage fraud people. Remember them—the scammers, the bums? We would not be able to do that.

Let's talk about drug enforcement. There will be $52 million less for DEA. What are some of the biggest threats facing us right now? Let's talk about Mexico. Mexico is on the verge of a state of siege because of the drug cartels that are running rampant. If you watch the news and listen to the Ambassador of Mexico and to their compelling issues down there—look at what was on ''60 Minutes,'' where the drug cartels are roaming streets with assault rifles, shooting police chiefs, shooting elected officials, kidnapping—that is on our border. We need the DEA. Then there are the narcotraffickers in Colombia—in that long, steadfast fight where we are making progress. Then there is Afghanistan, which provides 85 percent of the world's poppy. We are going to send thousands of more troops into Afghanistan.

I am not too excited about that part, but that is a debate for another time. But what is going on in Afghanistan? They are growing poppy like Iowa grows corn. It is an enormous drug crop. What does the money from that do? First, it corrupts Government and elected officials. It corrupts the judiciary. It has a corrupting influence. So we are going to send American troops to fight and die for something that could be bordering on a narcostate?

I say, before we send in more marines, let's send in more DEA agents to work with the Karzai government to do something about the growth of poppy and the funding of the Taliban. Let's send in DEA agents. Under this, we are going to have a hiring freeze. Agents would have to take furloughs. But that is OK, that is just in law enforcement.

Let's talk about the national space agency, NASA, and the National Oceanic and Atmospheric Agency. If we don't do this appropriation, NASA will be funded close to a half billion dollars below what is in the omnibus. This would be a major setback to developing a reliable transportation system to continue our human space flights. We are already going to go dark in space, where we are going to rely on the Russians to get us up to our very own space station. But what this could mean is the loss of several thousand jobs in Florida, Texas, Mississippi, Alabama, Utah, and Louisiana. If we don't pass this by the end of March, layoff notices will begin. Aren't we for jobs today and jobs tomorrow? Aren't we for building rocket ships and spaceships? We have to pass this bill.

Then when we look at NOAA. We all love the weather reports. We rely upon them for early warnings of tornadoes and hurricanes and, at the same time, to be able to give us traffic. Weather reports don't come from the Weather Channel. The Weather Channel gets its information from the weather services provided by our Government at NOAA. We ought to rename it the ''National Oceans Atmospheric and Weather Administration.'' Right now, they are weathering their own storm. If this continuing resolution hits them, it means more layoffs. We won't be able to develop the right technology to predict and give the early warnings that are so important to our people.

Then I wish to talk about education. Through the National Science Foundation, and other science agencies in here, we work to promote education, to get our young people excited and participating in science and technology, so that they want to come into these exciting new possible careers, where they are going to come up with new ideas and inventions. This makes a major downpayment so we can coordinate with our new Secretary of Education and our President, who is such a strong advocate of this.

If you wish to have a country that is meeting the day-to-day needs of our own people, yet looking ahead to the long-range needs of our country, you want to vote for this appropriation. You want to vote for the subcommittee portion of this appropriation. The other reason, for those who are concerned about the issue of bipartisanship, is we developed this jointly and collegially and civilly with my colleague from Alabama, Senator RICHARD SHELBY. This bill has his endorsement and it will have his vote. Senator SHELBY and I have worked together for many years, and we believe that good people can find common ground, find an accessible center in the rough and tumble of politics that enables us to come before the Senate with a bipartisan approach to the Commerce, Justice, Science bill.

I want to thank Senator SHELBY and his staff for their cooperation and collegiality in crafting the CJS portion of the bill we are considering.

The CJS Subcommittee's top priority is keeping Americans safe from terrorism and violent crime. To that end, our bill provides $26.1 billion for the Justice Department, which is $3 billion above the previous President's budget request. We fund the FBI our domestic counterterrorism agency with mission of dismantling terror cells and weapons of mass destruction on U.S. soil at $7.3 billion, which is $155 million above the previous President's budget request.

The CJS bill is the major Federal funding source for our State and local police departments. The previous President's budget request proposed dramatic cuts totaling $2 billion to State and local grant funding. We reject those cuts and instead provide a total of $3.2 billion to support our thin blue line.

Among those funds, the CJS bill provides $550 million for COPS grants, which pay for gear and technology—such as bulletproof vests and crime scene analysis—to keep our cops safe, and to help them catch criminals. We also have $546 million for Byrne-justice assistance grants, a formula-based program that is the main Federal funding tool for State and local police operations, which was zeroed out by the previous administration. For juvenile justice and delinquency prevention mentoring and antigang programs we provide $374 million, which is $189 million more than that the previous President request. Lastly, we provide $415 million to prevent violence against women, which is the highest level ever allocated for Violence Against Women Act programs.

In addition to helping our State and locals keep our communities safe, the CJS bill funds our major Federal law enforcement agencies. We provide $1.9 billion for the DEA to fight international narcoterrorists and drug kingpins. There is also $1.1 billion for the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, to combat violent gun crime and gangs and investigate arson.

The CJS bill contains $954 million for the Marshals Service to apprehend fugitive sex offenders and other violent criminals. We included $1.8 billion for our U.S. Attorneys to prosecute gang leaders, gun traffickers and drug dealers. Lastly, we provide $6.2 billion for management and construction of Federal prisons to ensure our Federal prisons are safe and secure.

These agencies are the backbone of our criminal justice system. They enforce our laws, catch criminals and keep our communities safe.

Most importantly, this bill protects the most vulnerable among us: our children. We provide over $234 million to keep our kids safe from predators and violence.

The CJS includes $5 million to hire 20 new U.S. marshals to track down and arrest fugitive sex offenders, $47 million for the FBI Innocent Images program to catch deviants who use the Internet to prey on children, $5 million to hire 25 new assistant U.S. Attorneys to prosecute sex offenders, $70 million

for state and local law enforcement efforts to find and apprehend child predators, and $16 million for grants to school districts to keep kids safe at school.

I am proud to report that the CJS bill follows the framework of the America COMPETES Act and makes investments to improve America's competitiveness.

The bill provides $819 million for the National Institute of Standards and Technology, which includes $65 million for the new Technology Innovation Program and $110 million for the manufacturing extension partnership, MEP. This is important funding to develop new technologies and new products and make American manufacturers more competitive.

We also provide $6.5 billion for the NSF, including $845 million dedicated for education. These funds focus on science, technology, engineering, and mathematics, and will develop our next generation of scientists and engineers.

For the National Oceanic and Atmospheric Administration, NOAA, we provide $4.4 billion, including: $945 million for our weather service to predict and warn us about severe weather, and $758 million for our fisheries service to protect our marine resources.

The bill also provides $17.8 billion for NASA, which is $200 million more than the previous President's budget request. We meet our obligations to fully fund the space shuttle at $3 billion, the space station at $2 billion, and the next generation space vehicle at $3.1 billion this year.

Finally, the CJS bill supports an innovation friendly government by providing full funding at $2 billion for the Patent and Trademark Office, PTO, to reduce backlogs of patent applications and protect our intellectual property; and $430 million for the International Trade Administration to enforce our trade laws.

The CJS bill also makes important investments in America's future. We provide $240 million for economic development grants—$140 million more than requested by the previous administration—to help communities create jobs and opportunity. We also provide $20 million for public television infrastructure grants.

The CJS bill funds the science we use to monitor and predict changes in our weather and climate, and make policy decisions on actions we should take to save our planet. In fact, the CJS bill funds 85 percent of all Federal climate change science.

Specifically, we provide $1.4 billion for NASA Earth science for satellite missions that tell us how much pollution is in our atmosphere, our rainforests and ice sheets are shifting, and the height and chemistry of our oceans are changing. Funding for Earth science includes $150 million for new NASA earth science missions, which is $50 million above the previous President's request. This funding is recommended by the National Academy of Science to measure our ice sheets, climate, and atmosphere so we can better predict changes to our planet.

We provide $606 million for NASA science into how the sun affects the Earth. This helps predict and warn about events like solar flares that can knock out our communications and power grids.

The CJS has $966 million for NOAA weather satellites, which are important early warning tools. If we can better predict and warn when tornadoes and hurricanes are coming, we can save lives and save money. We provide $74 million to restore critical climate sensors that had been deleted from our next generation polar satellites because of cost overruns. We also include $420 million for NOAA research to help us better understand our oceans and atmosphere and how they interact and change.

Finally, the CJS bill continues to emphasize congressional oversight, accountability and fiscal stewardship.

We meet our constitutional obligations for a timely and accurate Census by providing $3.1 million for the 2010 Census. This will keep the Census on track, despite the previous administration's mismanagement of an information technology contract.

The CJS Subcommittee continues its oversight role by cracking down on cost overruns or mismanagement of taxpayer dollars. The bill insists on discipline and vigorous oversight by requiring each agency to notify the committee when costs of projects grow by more than 10 percent, thereby creating an early warning system.

We also require that inspectors general conduct random audits of grant funding to ensure compliance.

Finally, the bill complies fully with legislative transparency and accountability rules.

Again, I want to thank Senator SHELBY and his staff—Art Cameron, Goodloe Sutton, Allen Cutler and Augusta Wilson—for their cooperation and collegiality.

The CJS bill meets the day to day needs of our constituents by keeping them safe from terrorism and violent crime. It looks out for the long-term needs of our Nation by making investments in America's physical and intellectual infrastructure to create and sustain jobs for today and jobs for tomorrow.

For these reasons, I urge my colleagues to support it.

AMENDMENT NO. 608

Mr. President, I rise to oppose the amendment No. 608 offered by the Senator from Oklahoma. Simply put, this amendment is a solution in search of a problem. The CJS portion of the omnibus does provide funds for the Department of Justice to solve civil right cold cases. This amendment is a distraction.

Before I speak about why I oppose this amendment, however, we must first talk about Emmett Till.

Emmett Till was a 14-year-old African-American boy from Chicago who was murdered in Money, MS, on August 28, 1955. He was dragged from his uncle's home and shot in the head. His body was dumped in the Tallahatchie River, tied to a 70-pound cotton gin with barb wire, and found 3 days later by fishermen. Emmett's mother demanded an open casket to show the world the brutality of his murder.

The murder of Emmett Till was a key event igniting the civil rights movement. Emmett's two killers never served a day in jail for their heinous crime. An all-White jury acquitted them in 67 minutes. The killers later admitted to murdering Emmett Till, but could not be prosecuted for the crime because they had already been found innocent by a jury.

In May 2004, 49 years after the murder, the Department of Justice reopened the case to finally determine if anyone else was involved in the killing. The FBI exhumed Emmett Till's body and performed an autopsy. Two years later, the FBI determined no one else was involved and officially closed the case.

On October 7, 2008, President Bush signed a law named after Emmett Till. The purpose of the legislation is to make sure Justice Department has the necessary resources to investigate civil rights cold cases.

Cold cases are extremely difficult to solve. Investigators run into many dead ends, as witnesses are hard to find and evidence can be easily misplaced, mishandled or destroyed. Additionally, investigations use up a lot of time and money resources.

However, solving these cases is important. This is about more than just bringing killers to justice. Solving these cases is about letting victims' families get on with their lives, about moving beyond racial hatred, and reconciliation.

I want to be clear I support funding for investigating cold cases. That is why I fought hard to make sure there is money in the Federal checkbook for fiscal year 2009 to support the Emmett Till law. The CJS portion of the omnibus provides the Department of Justice with the resources it needs to investigate civil rights cold cases.

To boost resources for civil rights cold case investigations, the CJS bill provide $123 million for the Department of Justice's Civil Rights Division, which is $7 million more than 2008, and charged with heading up the investigation and enforcement responsibilities set forth in the Emmett Till bill. We include $151 million for funding to reduce enormous backlog of untested DNA evidence. There is a backlog of 500,000 unsolved cases with untested DNA evidence sitting in evidence lockers today.

So that State and local law enforcement have the means to carry out their roles in investigating civil rights cold cases, we provide $30 million for competitive funds for State and local government to investigate and prosecute civil rights violations. There is also $25

million for competitive grants to State and locals to reduce forensic evidence backlogs.

The CJS bill provides $9.8 million for the Justice Department's Community Relations Service to train local law enforcement how to mediate racial tensions in communities. We also have $75.6 million for the inspector general at Department of Justice, which is $5 million more than 2008. Under the Emmett Till law, the Inspector General has the authority to investigate missing children cold cases.

In addition to cold case investigations, the CJS bill provides robust funding to enforce our Nation's civil rights laws. It includes $1.84 billion, which is $88 million more than 2008, for the U.S. attorneys office at Department of Justice. These are the attorneys who investigate and prosecute civil rights violations. The bill also has $9 million for the Commission on Civil Rights, which is responsible for making agencies are complying with Federal civil rights laws and raising public awareness on civil rights. Lastly, we include $343 million for the Equal Employment Opportunity Commission, whose mission is to end workplace discrimination. This is $14.8 million above 2008 and will help reduce the current backlog of EEOC cases.

I urge my colleagues to oppose amendment No. 608 and support the omnibus. The omnibus gives Department of Justice the resources it needs to investigate civil rights cold cases and enforce our country's civil rights laws.

I have a letter from Attorney General Eric Holder stating his support for the goals of the Emmett Till Act. Attorney General Holder is committed to the goals of the Emmett Till Act, and this letter gives his personal commitment to continuing to use funding to pursue these serious crimes.

If the Senate does not pass the omnibus, the Department of Justice will be forced to operate at 2008 levels. This means we will have to lay off investigators and prosecutors, and civil rights enforcement and investigations will be compromised.

For all these reasons, I urge a ''NO'' vote on this amendment.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

THE ATTORNEY GENERAL,
Washington, DC, March 3, 2009.

Hon. BARBARA MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Department of Justice wholeheartedly supports the goals of the Emmett Till Unsolved Civil Rights Crime Act. The racially-motivated murders from the civil rights era constitute some of the greatest blemishes upon our history.

The Department is working in partnership with the National Association for the Advancement of Colored People, the Southern Poverty Law Center. and the National Urban League to investigate the unsolved racially-motivated violent crimes committed more than 40 years ago. The FBI has prioritized the top dozen of these cases, though there are more than 100 unsolved murder cases from the civil rights era under review by the FBI.

You have my personal commitment that the Department will continue to pursue these serious crimes in those matters in which the law and the facts would permit effective law enforcement action. We will continue to use our resources and expertise to identify and locate those responsible for these crimes and prosecute them whenever possible, consistent with the Principles of Federal Prosecution.

Sincerely,

ERIC H. HOLDER, Jr.

Ms. MIKULSKI. It is time to move the appropriations. We have to make sure our Government can function so our economy can function.

I yield the floor.

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

Mr. DORGAN. Mr. President, prior to the statement by the Senator from Maryland, I was listening to the discussion between Senator GRASSLEY and Senator DURBIN on an issue that I know Senator GRASSLEY feels strongly about. I don't believe there is an amendment yet offered. I hope it is not offered, frankly. I have great respect for the Senator from Iowa, Mr. GRASSLEY. He and I have worked together on a range of issues, and he is a good legislator. He and the Senator from Illinois, Mr. DURBIN, were having a disagreement about this.

I come down on the side of the Senator from Illinois. This discussion is about the issue of using private collection agencies to collect certain Internal Revenue Service delinquent taxes. First, let me say that I think people who are delinquent on their taxes ought to be squeezed a bit to pay them. Unless there is some extraneous circumstance, I think most Americans voluntarily pay their taxes. They do not necessarily like to but they do because that is part of the cost of citizenship in this country. We have to do things together. We build roads together, and we have a law enforcement function in our communities together. We build schools, we have defense—we do all these things together. It costs money, so we pay taxes. That's part of the cost of citizenship.

There is great disagreement at what level those taxes should be and who actually pays it. I understand all that. But because we have a responsibility to pay some taxes and because there are some who do not, we have taxes that are delinquent in the Internal Revenue Service that need to be collected.

The Internal Revenue Service has on two occasions begun experiments with hiring private collection agencies to collect those taxes. The experience with those experiments has not been good. Because there has been a great move toward privatizing everything, we have hired private collection agencies to collect lower level delinquent taxes and, in fact, we have actually lost money in doing so.

It is almost unthinkable that someone who is going to collect taxes is going to lose money doing it. That is like being in business to sell tomatoes and someone is going to give me the tomatoes and you lose money.

Here is what the taxpayer advocate says. The tax advocate is someone who works independently inside the Internal Revenue Service on behalf of taxpayers. Taxpayer Advocate Olson says that since its inception—this latest iteration of using private collection agencies—the IRS has spent roughly $80 million to set up and administer this program to collect delinquent taxes. They have spent $80 million but collected net revenues of only $60 million.

Think of that. You hire some private companies to collect delinquent taxes. It costs $80 million to get it going and administer it, and you collect $60 million. I took rudimentary math in a high school senior class of nine students in a town of 300 people. I can understand that equation. You spend $80 million and collect $60 million. It means you lost $20 million. It makes no sense to me.

By the way, the firms that did this also made $13 million in commissions. That is part of the shortfall here.

It is also estimated by the taxpayer advocate in the Internal Revenue Service that had they not hired a private collection agency and instead hired collectors at the IRS, they would have collected 13 times more money. This is about, in my judgment, common sense and waste. Common sense suggests you select the best alternative for collecting these taxes. The alternative that would give the taxpayers the most for their investment and waste is about deciding you are going to hire private collection agencies and spend $80 million and collect $60 million.

Let me make a couple of observations about what the tax advocate has said about these issues. The tax advocate has said—and again, this is an employee inside the Internal Revenue Service:

> Private debt collection initiatives are failing in most respects. . . . Not meeting revenue projections, its return on investment is dismal. Private collectors are no better at locating or collecting tax liabilities than the IRS itself.

If the taxpayer advocate that we fund inside the Internal Revenue Service to look after the taxpayers says this is a failure, let's decide it is a failure.

The underlying legislation brought to the floor in this omnibus package effectively says let's get rid of this program. Let's have the collections done as they should have been done and were done for a long time at the Internal Revenue Service. They will not lose money. We will collect 13 times more revenue, in my judgment, based on the estimates.

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. INOUYE. 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

already struggling to stay afloat during the current economic downturn.

Given the information we have learned since this amendment was first proposed several weeks ago, and given the fact the language before us does not take into account and address the many problems raised after it was first proposed, I encourage my colleagues to oppose this amendment. It is the least we can do for our small businesses, particularly given the economic crisis we are currently in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 608

Mr. COBURN. Mr. President, I would like to speak a few minutes on the Emmett Till amendment that I have up. We heard this morning from the Honorable Senator from Maryland, utilizing the letter from the Attorney General saying they would work hard in approving and working on the Emmett Till Unsolved Civil Rights Crime Act. However, the defense for not approving my amendment was the fact that the Justice Department is going to work hard on it anyway.

I would note for my colleagues that is exactly the opposite amendment that we had last year when we were trying to pass this bill, when it was my contention that we didn't need additional money and that the Justice Department could do it. What we heard almost unanimously outside this Chamber is they couldn't do it without funding.

So now we have an amendment that actually puts in funding to go after these perpetrators of these heinous crimes. Yet we don't want to do it because now the very excuse we said wasn't good enough last year is good enough this year.

That is disloyal to the cause, No. 1; and, No. 2, it does not make any sense in light of the very statements made by some of the very same Senators last year.

The fact is, not funding this will make a real difference in the number of cases that get brought to prosecution. We have a letter from the Attorney General that says he will try, but what we are talking about is giving him more money so he does not have any excuse for not trying—which lines up exactly with the reasoning behind the appropriations bills on almost every other topic.

I say to my colleagues, having a letter which was generated last year in my support for trying not to increase the funding—which was said that wasn't adequate, that we needed funding—now the fact that you refused to fund something you promised to fund and say it will get done anyway does not speak very well of our effort in that behalf.

It is my hope the Senate will look hard and long at this. You cannot have it both ways. You cannot say you need to authorize funding, we need to have funding, and send out a press release saying you authorized $15 million a year for the next few years to do something and then have a chance to fund it and not fund it and say we didn't need to authorize the funding in the first place. It is hypocritical, in my opinion, and my hope is we will give great and concerted consideration to my amendment.

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. ENSIGN. 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. ENSIGN. Mr. President, very soon I am going to talk about an amendment I want to offer on the DC Voucher Program for low-income kids. But first I want to talk about the bill in general for a few minutes.

Yesterday, I talked about the spending bill we have before us as being 8 percent over spending from last year on various programs that are contained within the bill.

We just had Secretary of Treasury Geithner before the Senate Finance Committee. I asked him a question. I said: I applaud the President for hosting a fiscal responsibility summit just last week at the White House. I think that was a great thing. It set some very important goals for us to be fiscally responsible to the next generation. I told him this administration had an opportunity to say these are last years bills, drafted under a different administration. But rather, they said, we are going to look the other way; we are not going to hold to our ''no earmarks'' pledge or fiscal responsibility pledge on this bill, we are going to do that on future things.

But the problem is, it is not just this bill that increases spending by 8 percent. This bill gets added into the baseline. This extra $23 billion gets added into this year's baseline, which means that next year's the baseline goes up and the budget for the next year after that goes up, and up and up, so this $23 billion increase in federal spending ends up being several hundred billion over 10 years. That is not what we should be doing now.

We have entitlements that are going to be exploding. Every family in America today is looking for ways to cut their budget. We are hearing that the movie industry is actually doing pretty well right now because people are saying: That is actually a little luxury I can afford, because they can't afford some of the bigger luxuries they wanted. Instead of buying cars or big-purchase items, they are buying smaller things. That is why Wal-Mart seems to be doing well at this point. People are looking for values.

Businesses across the country are looking to cut expenses. They are looking to cut wasteful spending. Every bureaucracy, whether it is private or public, grows over time, so businesses are looking for ways to be able to handle these tough economic times.

Local governments and State governments are forced to live within a budget. So what are they doing? They are making tough choices right now. Even with the money the Federal Government sent them, they are still having to make difficult choices, so they are looking for what wasteful spending is out there and what ways they can cut back on waste.

The one place that seems immune to cutting wasteful spending is the Federal Government, and the people responsible for that are right here in this Chamber and in the Chamber across the Capitol. We control the purse strings. This is not a time for us to increase spending. This is a time for us to ask every Federal agency, department, program out there: How can you save money right now? How can you cut administrative costs? Which programs are duplicative? Which programs are working and which ones are not? Let's take the money away from the programs that are less efficient right now, let's cut back on bureaucracy instead of expanding the bureaucracy at this point. I would say this is really an irresponsible moment for this Congress.

I applaud two Members from the other side of the aisle, Senator EVAN BAYH and Senator RUSS FEINGOLD. They have come out in opposition to this bill because they said pretty much the same things I was saying this morning. Senator EVAN BAYH from Indiana wrote a great opinion editorial today in the Wall Street Journal laying out why this is an irresponsible bill and why he is going to be opposing it.

If we are going to care about our children and our grandchildren, we cannot wait a year or 2 years. We need to be fiscally responsible today. We should have been doing it in the past years as well. I agree there has been irresponsible spending in this body by both sides of the aisle and by the previous administration, but that is no excuse for us to say we can just continue it.

Federal spending has been rising and rising, much of it off budget. I agree with the Democrats when they criticize Republicans in the previous administration for off-budget spending. I have been one of the people up here saying the tricks we were playing with the budget on defense were dishonest. They were trying to say they were not increasing spending because it would take money away from defense, knowing it would be added on later so they could increase other spending bills. That was dishonest. That was dishonest budgeting, and it is time to get to honest budgeting.

But it is also not just honest budgeting we need to get to. We need to get to fiscal responsibility. So really take a look at what we are doing here. Think about the next generation and

future generations. Do we really want to add this kind of debt burden, where they have to pay hundreds of billions of dollars and even trillions of dollars in interest just because we were unwilling to take tough votes here in the Senate?

The second issue I wish to talk about is the issue of DC choice. The schools in Washington, DC, are some of the worst schools in America. We brought this issue up last week, and we were able to get an agreement that, instead of having a vote on the DC voting rights bill, the majority leader would give us time on the Senate floor to reauthorize the program. It is a program that says for very low income kids in the District of Columbia, we are going to experiment and see if maybe we can give them a decent education.

The District of Columbia spends around $15,000 a year per student on public school education. We said we will give them a $7,500 voucher towards the ability to go to a private school, a school of their choice. The number of people who want to get into this program is incredible. Why? Because DC schools are failing too many children. DC schools are mostly made up of minorities, and we are trapping those very minorities into a school system that by and large does not work. So the DC voucher system was put in to at least take a few of those students out and see if they can do better in a different setting. Does it work? Some people say we are not measuring it right. All you have to do to know whether it works or not is to talk to the parents and to the students who have been involved in the program. Guess what. They want it to continue. As a matter of fact, they would like to see it expand. But what are we doing? This bill all but guarantees its elimination. How does it do that? If this language is not removed from the omnibus the program would be effectively cut. The omnibus contains language to eliminate the program after the 2009–10 school year unless congress reauthorizes it and DC City Council approves it. We know where the votes are on the DC City Council. The votes on the DC City Council would kill the program. The teachers unions in the District of Columbia, as they are in most cases, are totally opposed to any kind of voucher system. They believe it is a threat to their power base.

I am concerned about the kids and their education. That is all I am concerned about. If this program is going to work—and it seems to be working based on the interest of the number of families who want in it and based on the desire of the families who are in it to continue in it—then that is what we should be concerned about.

I am going to be offering an amendment that would strike the language in the omnibus bill and would allow us to authorize it this year in the Senate. That is the right thing to do, to make sure these kids still have a chance to get a good education in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I come to the floor to speak in opposition to an amendment offered by the Senator from Oklahoma, who singles out two instances of congressionally directed funding that were included in the fiscal year 2009 Omnibus appropriations bill under my name. The Senator has claimed that these earmarks are inappropriate or wasteful and should be removed from the bill. One provides $5.7 million for competitive school modernization grants in my State of Iowa. The other provides $1.8 million for national research into swine odor and manure management at the Soil Tilth Laboratory in Ames, Iowa.

At the outset, as a constitutional matter, I first take issue with the premise underlying the amendment of the Senator, the idea that Congress has no business directing the expenditure of Federal moneys through congressionally directed funding; that somehow there is something inherently wrong or evil in this practice and that only the executive branch should determine the details of where moneys are to be spent. This stands the Constitution on its head. Article I, section 9, expressly gives Congress the power of the purse, both to collect moneys—levy taxes—and to direct where that money is to go. I would say that the Executive, the President of the United States, does not have the constitutional authority to spend one single dime of our taxpayers' money. That authority has been given to the President, the executive branch, over the last 200 years by the Congress, but there is no constitutional basis for the President spending any money. So, therefore, that is inherently a constitutional function of the Congress. At any moment, at any time, if we want to, we can pass legislation taking all that money back here and saying the President cannot spend a dime unless we say so. We do not want to do that, obviously. But we could. We would be in our constitutional right to do so. So there is not something inherently wrong with Congress directing funding. In fact, I would say it is more appropriate for Congress to do that than for the President.

It is an odd practice—if the President requests it in the budget, it is not an earmark, but if we put it in, it is an earmark.

Someone please tell me the logic of that. So, again, I basically disagree with sort of the underlying premise that somehow executive branch employees, all those bureaucrats, have a much better understanding of where and how Federal funds should be spent most effectively in our States and in our districts.

Now, again, over the years we have permitted that to happen, but we, through our oversight functions, can look at how that money is being spent, and through our congressionally directed funding can decide how some of that is spent. So it is not a constitutional issue. It is not a constitutional issue, at least as far as Congress goes, as far as directing where spending should be made.

But I want to talk about these two earmarks mentioned, both of which address significant needs both nationally and in my State of Iowa. I will talk about the second earmark, funding research into swine odor and manure management later in my remarks.

I want to say at the outset, I am proud of both of those earmarks or congressionally directed spending, and I stand behind them. I believe the Senator from Oklahoma's attempt to strike them from the bill is extremely shortsighted and misguided, quite frankly.

So let me spend a few minutes discussing why I included these items in the bill. Let me start first with the $5.7 million for competitive school modernization grants. For years I have argued that the genius of our education system in America is its diversity; local school districts deciding what is taught, what books to buy, what teachers to hire, how to run their schools. We do not have, as some other countries have, a top-down structure where the central government decides exactly what is to be taught, how it is to be taught, and everybody gets the same thing. I have been to those countries. A lot of them tout their educational system. But, quite frankly, it does not have the kind of creativity and diversity and spontaneity that our diversified education has in this country. So that is the genius of the American system of education.

The failure of the American education system is how we pay for it. I wish someone would show me somewhere in the Constitution where it says that elementary and secondary education in America is to be paid for by property taxes. You will look and you will not find it anywhere in the Constitution. So why do we do it that way?

Well, I delved into the history of this, and it kind of goes like this: In the early days of the founding of our country, before we were a nation, in the Colonies, people wanted to have a free public education. Well, it was free for white males at that time, but, nonetheless, free. But since we had no taxing system other than tariffs and property taxes, that was the only way they could pay for it. So tariffs and property taxes became the support mechanism for local schools in the Colonies, and that kind of continued on. It continued on. The tariffs went by the wayside, so then it became a property tax-based function for paying for elementary and secondary schools in America. The first time the Federal Government ever got involved in education in any way whatsoever was in 1864 with Morrill, the bill that Lincoln signed for setting up land grant colleges and universities. That was the first time, and that was only higher education. That was higher education.

The next time the Federal Government got involved in education was almost 100 years later. It was after World War II when we set up the GI bill to pay for our young veterans to go to college, and then that was higher education.

Then we had the Eisenhower program, the National Defense Student Loan Program in the 1950s. Again, higher education. The first time the Federal Government ever got involved in elementary and secondary education was title I, providing some Federal help to low-income schools to try to help right this imbalance out there.

Then we had the Education of the Handicapped Children's Act, which later became IDEA, the Individuals with Disabilities Education Act. So the Federal Government has not been involved—well, unless you want to take the School Lunch Program. The School Lunch Program and breakfast came along later, but the School Lunch Program, which came in after World War II as a feeding program, not as an educational program. I forgot to mention that.

So the Federal Government's involvement in elementary and secondary education has been as of late and very small, only title I, and basically IDEA, the Individuals with Disabilities Education Act.

Jonathan Kozol wrote a book in the eighties called ''Savage Inequality,'' and this was the savage inequality: What he talked about is how he traveled around America and how he found there were some great schools and great facilities in one place, and very bad schools with bad facilities in another place. He asked the question why. Why is this? Well, it was because if you happened to be born and raised in Fairfax County, for example, where there is a high income level and very high property taxes, you get great schools. If you are born and raised in Bedford-Stuyvesant, or in inner city south Los Angeles, or in some rural areas of Iowa or Missouri or Oklahoma, Kansas, chances are you got very low property taxes and you got poor schools.

So he asked the question, and then I asked the question: Why should where you are born, the circumstances of your birth and where you are raised, why should that be determinative of the quality of the physical school you have? Why should that determine it? That is the savage inequality of our educational system.

Well, I began thinking about this some years ago on how we would kind of right this system, how we would tend to solve this imbalance, on the one hand by not interfering with the genius of the American school system, which is, who is hired and who is fired, who teaches, what they teach, the textbooks, all that, how do we not interfere with that, but at the same time try to balance these savage inequalities.

Then one day it occurred to me. I was walking out of my office one day. This is many years ago, back in the late eighties. And I have on my wall, right by the door that goes out of my office, a framed piece of paper. It is a little orange card. It has always been there. I have always kept it there to remind me of something. It is my father's WPA card, when he worked on the WPA in the 1930s.

It occurred to me that when I was a teenager, my father took me to visit Lake Ahquabi, which is a lake south of Des Moines, which is now still being used as a recreational lake. They built that; still being used today.

He took me to visit a high school, Cornerstone, WPA, 1940, that he had worked on; still being used today. I dare say there are schools all over America that are still being used, built by the WPA. Finally it occurred to me that perhaps one role the Federal Government could take in helping to balance these savage inequalities of rich areas versus poor areas in terms of the quality of the school facilities is to be involved in modernizing and building new schools and getting the technology into these schools. That way you do not interfere with who is hired, who is fired, what is taught, what textbooks to buy. You are only helping to build new schools. We did that in the 1930s and we have been using a lot of these schools ever since.

So I might add, as an aside, that when I sought the nomination of my party for President in 1991 and 1992, this was one of my platforms. I talked about the need to invest in the infrastructure. I called it the blueprint for America. On my document I had a picture of a blueprint. Part of it was building and remodernizing schools through the Federal taxing system, rather than relying on property taxes.

Well, I didn't win the Presidency, obviously, but I continued in that endeavor. I could not quite get it through, although we did have 1 year finally we got it through. In 2000, the last year of the Clinton administration, we got $1 billion for a national program of modernizing and helping to modernize schools. That was reduced down to about $800 million. It went out 1 year. The next year President Bush came in and the program got ended. So we did have 1 year of it and, quite frankly, that 1 year, that money went out quite well and did a lot of innovative, good things with schools all over America.

Since I could not get the Federal Government to do this in the broader basis, I decided to see what would happen in my State of Iowa if we started doing this, what would happen, how would this work. So since 1998, I have been fortunate to secure funding for my State's schools in this regard.

The actual allocations are funds are not made by me, they are made by the Iowa Department of Education, which undertakes a grant competition to select the most worthy and needy school districts that receive these grants for a range of renovation and repair efforts. There are kinds of pots. One pot is for fire and safety, which requires no match. The other is for building and renovation which does require a local match.

Now, I might say that since 1998 this Federal funding has leveraged public and private funding so the dollars that have gone out there have multiplied tremendously. I think my colleague called the funding unfair and wrong. He believes it is unfair that Iowa's schools receive funding while children elsewhere in the United States are forced to learn in antiquated, crumbling school buildings.

Well, I agree with my friend from Oklahoma. He is correct in one respect. There is indeed a persistent and unfair disparity in the quality of schools across the country, the savage inequalities, I just mentioned. Jonathan Kozol wrote the book about it in the 1980s.

In fact, for the last several years, local spending on school facilities in affluent communities is almost twice as high as in our poorest communities.

So I ask the question again, why should the circumstances of your birth, where you are born and where you are raised, determine the quality of the school you go to? Why should it? So we tried to alleviate this imbalance. Sure, you want every State in the Nation to have this. As I said to my friend from Oklahoma, he may not have heard this, in this year 2000, we did get it through for every State. But that was only 1 year, and then in 2001 the Bush administration came in and stopped it. But in that 1 year, it did go out.

Now, again, and most recently in the stimulus bill, in the American Recovery and Reinvestment Act, we did in the Senate put in $16 billion for school construction and renovation to go out all over America. I was happy about that. I thought this was something that would put people to work, stimulate the economy and build schools for our kids, get new technology into our schools.

Well, because of opposition on that side, that was stricken from the bill. In the conference it was stricken. So, again, I do not mean to have this only for Iowa, I would love to do this for the entire United States.

So again, if I could not do it there, at least I wanted to see what would happen in the State of Iowa. And I can tell you that over the years, each Federal dollar that has gone into my State for this has leveraged an additional $5-plus additional from public and private sources.

How does that happen? Well, a lot of times school districts would try to pass a bond issue. They could not pass it to renovate or something, because they are poor people, you know, and this means raising property taxes. We have a lot of elderly in Iowa. Raising property taxes is hard when they are on a fixed income.

So they don't vote for the bond issues. All of a sudden they applied for one of these competitive grants to the

Department of Education in the State of Iowa. The State of Iowa gave them a grant, but they had to match. Guess what happened. They passed the bond issue and built new schools. It has leveraged private involvement, people with businesses, endowments, and even individuals who have come forward to put money into local schools because they had this grant.

I ask unanimous consent to print in the RECORD some letters I received. One is from Paula Vincent, superintendent of the Clear Creek Amana School District. She points out that receipt of a school construction grant was instrumental in her district passing a $2.5 million bond referendum to build two new schools. Prior to receiving the grant, her district did not have a history of passing bond referendums for school improvement. Not only did this bond referendum pass on the first vote, but it broke records for voter turnout and has led to additional support for school infrastructure from surrounding communities. She estimates that an initial $100,000 grant led to an additional $28 million in local funding to improve school buildings. That is way over 5 to 1. That may be an anomaly, but that is what she says happened in their area.

I have other letters from individuals on these grants and what it has done.

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

CLEAR CREEK AMANA
COMMUNITY SCHOOL DISTRICT,
Oxford, IA, March 3, 2009.

Hon. TOM HARKIN,
First Ave. NE,
Cedar Rapids, IA.

DEAR SENATOR HARKIN, Thank you for your continual advocacy for facility construction and renovation. As you know, Clear Creek Amana was fortunate to receive one of the Iowa Demonstration Construction Grants to aid in the construction of a new elementary school.

This half million dollar Harkin grant was helpful to our district in successfully passing a twenty-five and a half million dollar general obligation bond referendum to build two new schools. In Iowa, school districts must receive a super majority, sixty percent approval, to pass any bond issues. Our community did not have a history of passing bond referendums for school improvement prior to this latest attempt and had never passed a bond referendum on the first vote. Not only did the community approve the bond referendum on the first vote, but also broke previous voter turnout records. The federal support was one of the factors members of our community listed as a reason they voted in favor of the proposed bond referendum.

The positive success of the bond referendum led to additional community support from cities within the school district boundaries. For example, the City of North Liberty provided land for the new elementary school, street and utility access to the construction site and an additional half million dollars toward the construction of the new elementary school. Likewise, the city of Tiffin and the Iowa Department of Transportation are partnering with the district to widen the highway leading to the new high school. Using conservative estimates, the half million dollars of federal support leveraged an additional twenty-eight million dollars to improve the school facilities within the Clear Creek Amana District.

Having resources to construct new buildings allowed us to take advantage of the latest information regarding excellent school design. With the assistance of our architects and engineers and the cooperation of students, staff and community members we are confident that our new schools will provide improved learning environments for CCA students and staff. A few of our design features include: increased student and staff access to technology; updated science labs and equipment; flexible teaching and learning spaces with planned areas for small and large group instruction; common areas for teacher teams to plan, and study together; shared school and community spaces such as preschool, library/media center, physical fitness areas, before and after school space and shared gym space; and added safety features such as controlled building access with limited exterior door entry points, electronic door controls and sprinkler systems.

Again, federal support through the school construction grants played a key role in making these improvements to the overall safety and quality of the learning environment in our schools possible.

Federal school construction dollars also have a positive impact on environmental concerns. We were able to incorporate multiple energy saving features into the design of the new buildings by participation in the Commercial New Construction Program provided by the Weidt Group, Minnetonka, Minnesota, and funded by the local utility companies.

The benefits of building an energy efficient building include a cash rebate from the utility companies of about $250,000 as well as lower operational costs for the lifetime of the new buildings. Many of the selected energy strategies also contribute to the quality of the learning environment (natural lighting, temperature controls in each classroom). We believe these energy-efficient strategies add significant investment value to the buildings and minimize many negative environmental impacts typically caused by new construction.

We have experienced a significant benefit from a modest federal investment in school infrastructure. We have every reason to believe our students will benefit from the improved learning environment in our new schools and we expect we will see some of this benefit in higher student achievement. Higher achievement by our nation's children ultimately translates to a brighter future for all of us when these children take their place as contributing members of the workforce and of the educated citizenry essential for a democratic society.

Thank you for your work in including school infrastructure support in Federal legislation.

Sincerely,

PAULA VINCENT,
Superintendent.

CORNING COMMUNITY SCHOOLS,
Corning, IA, March 3, 2009.

Senator TOM HARKIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN, With all due respect, I would like to express my concern about an amendment that has been offered to eliminate the Harkin Fire Safety Grants. I am the superintendent of Corning Community Schools in southwest Iowa. Our school is located in Adams County which is one of the poorest areas, of not only our state, but of the country. Our local patrons are willing, but unable, to raise enough funds to maintain our school facilities which were built in the 1930s. It is only through the Harkin Fire Safety Grants that we are able to keep our facilities open and provide a safe environment for our children to work and play in. The Harkin grants have allowed us to make our buildings handicapped accessible, so all children are given equal opportunity to attend classes on the second and third floor of our facility. The Harkin grants have created an equal playing field so the children of our district have the same safe environments as wealthier districts. The Harkin Fire Safety Grants have provided handicapped doors, fire alarm systems, warning devices, and fire safe doors. Without these funds our school would have been closed down and children would have been forced to travel long distances to other schools.

I truly applaud your efforts in providing these funds for schools. Considering all of the foolish ways the government spends money, I can't believe that anyone would want to end this program. The Harkin Fire Safety Grants provide funds that are making a difference in the lives of children. What could be better? I encourage you to continue the good fight for the poor people of Iowa. I encourage you to continue to fight the shifting of funds to ''bail-out'' private businesses at the expense of our children and the future of this great nation. If there is anything I can do to help preserve these funds, please let me know. On behalf of the Corning Community School District, the patrons of Adams County, and most of all the children of our district, we thank you for these funds.

Respectfully,

MIKE WELLS,
Superintendent.

DES MOINES PUBLIC SCHOOL SYSTEM,
Des Moines, IA, March 3, 2009.

DEAR SENATOR HARKIN, As a member of the Des Moines School Board I would like to thank you for all the work you have done to enable our school system to receive Harkin Grants. Without them our urban school district would be lagging behind in both infrastructure and fire safety needs.

The Des Moines Public School System is an urban school district with a free and reduced lunch rate above 50 percent. We have received a total of 8 Harkin Grants in the amount of $4.275 million dollars. We have used the Harkin Grants in a number of our buildings. For example, we have been able to use the infrastructure portion of the Harkin Grants to add to our renovations at Moulton School, Capitol View Elementary and Carver Elementary. All three of these schools have a free and reduced lunch rate over 79 percent. The Harkin Grants have helped to bring 21st century buildings to students of all economic backgrounds. Harkin Grants have also been used to help Des Moines East High School with its renovation expansion to meet the needs of its urban population. We have also received Harkin Grants for renovations at one of our downtown schools. Without this funding our urban school district would be lagging behind our suburban counterparts.

Our nearly 30,000 students have also become safer at school through the fire safety component of the Harkin Grants. That portion has been instrumental in allowing us to keep our children safer in a school district that does not have the resources of many suburban schools. They have helped to bring our buildings to a superior level of safety.

In conclusion, as a board member of the Des Moines Public School System, I would like you to know how important your Harkin Grants have been in renovating some of our high poverty schools and in keeping all our students safe. Programs like the Harkin Grants have helped us immensely. You will never know how much these grants mean to

an urban system like the Des Moines Public Schools.

Gratefully yours,

PATTY J. LINK,
Director, Board of Education.

Mr. HARKIN. Rather than trying to deprive the schoolchildren in Iowa of this funding, I encourage the Senator from Oklahoma to extend this program to his own State and to all other States and the District of Columbia. In the coming weeks, I will reintroduce the Public School Repair and Renovation Act, which I have been introducing for some time, which would create a competitive grant program for schools across America to receive funds to repair and renovate school facilities based upon the successful program we have had in Iowa. Were some mistakes made in the beginning? Yes. But the Department of Education, over the last 10 years, has figured out how to do this, how to separate the two pots—one for fire and safety with no match requirements, one for buildings and innovation requiring a match—and then taking in the proposals on a competitive basis and deciding where the money should go. I encourage the Senator from Oklahoma to support this bill. I ask him to be an original cosponsor to get this out to schools all over the country.

Now let me also talk about the $1.8 million I secured in this bill for research into swine odor and manure management. That always brings a smile to everyone's face. David Letterman will be talking about it and Jay Leno will be talking about it, $1.8 million to study why pigs smell. I suppose that is the way they will couch it. We all know how the game is played. Critics will take something such as this with a funny sounding name or purpose, hold it up for ridicule. For some reason, especially outside rural America, the very word ''manure'' seems to be cause for laughter and levity and jokes. In farm country, manure and odor management are profoundly serious challenges that can be mitigated through scientific research. I urge the Senator to visit farms in his own State. Ask his own farmers and neighbors about whether it is worthwhile to conduct research into animal odor and manure management.

If I am not mistaken—and I may be—I believe the attorney general of Oklahoma, a few years ago, brought an action against the neighboring State of Arkansas in terms of some of the effluent coming into Oklahoma and this raised questions of manure management and how it is put on the land and such. That is what this research is about. Some people living in rural America are concerned about livestock agriculture and its environmental impacts. So it makes good sense to fund research that addresses how rural communities and livestock agriculture can coexist.

I wish to point out this item did not originate as a congressionally directed earmark. This research unit of the Agriculture Research Service originated administratively within the U.S. Department of Agriculture to conduct scientific research to address significant challenges facing livestock agriculture. This item is only included as an earmark now because the last Bush budget proposed to terminate a number of ongoing agricultural research projects in order to come in at a lower funding level, knowing full well this needed research would likely be restored by Congress, which is what we are doing. But it didn't originate here in Congress. It originated administratively.

Let me also point out to the Senator from Oklahoma, this is not a project for the State of Iowa. It provides funding for the Agricultural Research Service which is the main in-house research arm of the U.S. Department of Agriculture. The mission of ARS is ''to find solutions to agricultural problems that affect Americans every day from field to table.''

One might say the money is going out to ARS in Iowa. That is because that is where they do the research. If ARS was doing research on peanuts, they would probably be doing it at an ARS research facility in Georgia. If they were doing it on cotton, they would be doing it in Mississippi or someplace not in Iowa. So why are they doing it in Iowa? Because one-fourth of all the hogs in America are produced in my State. We are the No. 1 producer of pork, and we are very proud of it. The pork industry is critical to our State's economy. But as the demand has grown for pork and as we produce more pork, one can understand that the management problems of what to do with the waste has become very serious, not only for the odor problems but for the waste itself.

At any given day, we have 20 million hogs living in Iowa. Think about it, 20 million. A lot of farmers use the the manure from hogs as fertilizer. The Department of Agriculture, soil scientists, and others have encouraged that. But there can be odor problems and other environmental impacts. So that is what this research seeks to resolve. It looks at improving nutrient or feed efficiency in swine. This research would help the livestock industry make better use of co-products from the production of biofuels, which is a growing industry in our State and the Nation. Quite frankly, we can't feed the byproducts to swine like we can cows. They are not a ruminant animal. But this research is looking at how to improve those byproducts for swine—everything from the feed to the byproducts and odor—to improve the quality of life for those who live in rural areas. We have had swine odor and manure management challenges in my State. And not only in Iowa; as chairman of the Agriculture Committee, I have visited North Carolina and have witnessed the same issues there too. So how do we alleviate this? How do we make it possible for a very good industry, the swine industry, to meet the demand and at the same time be good neighbors and do it in an environmentally sound way? That is what this money is for. The research doesn't only help Iowa it helps all across the country because it is research conducted by the Agricultural Research Service. They are doing it in Iowa because that is where most of the hogs are. Congress didn't originate it here. It originated with the administration.

A lot of States share the same problem we do with odor and waste problems. I suppose we will hear a lot of jokes on David Letterman and Jay Leno. A lot of other people will be making jokes about this money for manure. Keep in mind, this is not wasteful or unnecessary or frivolous. This is very important to the daily lives of the people of my State and every other place where we raise swine.

I appreciate this opportunity to share with my colleagues my reasons for including these two items in the Omnibus appropriations bill. I stand here and say, unequivocally, I am proud of both of them. I believe the effort to remove them from the bill is misguided. I urge colleagues to vote against the Coburn amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oklahoma.

Mr. COBURN. Madam President, it is interesting, the first of the Senator's remarks had to do with the Constitution. He conveniently skipped over article I, section 8, and went straight to article I, section 9. If you read what Madison and the Founders wrote about article I, section 9, they had a very limited scope for what we ought to be doing. As a matter of fact, the trouble we find ourselves in today is because we have abandoned the enumerated powers of the Constitution. We have excused them and we have said: We should fund it all.

As far as education, Federal funds fund 20 percent of education but 80 percent of the problems. If you think our schools are successful, look at our scores compared to everywhere else in the world. Our scores started going down when the Federal Government started getting involved in education, not prior.

The other assumption is, you have to have a great building to have a great education. That is absolutely wrong. Education is based on the incentive of the children, the quality of the teacher, and the control of discipline. You can teach as well in a Quonset hut as you can the most modern school, if you have motivated kids, great teachers, and great control of the classroom.

The purpose for trying to eliminate these earmarks isn't necessarily that they are wrong. They are truly unauthorized, but that would be a totally different story if a group of peers had said these are priorities, but they haven't. The problem is, is it a priority now, when every penny you will use, whether it is the new school program you want me to cosign or the earmarks

you have in the bill today, is going to be borrowed from your grandchildren.

The very schools you are going to build in Iowa, that we are not going to build in the rest of the country, by leveraging Federal dollars are going to be charged to the kids of the kids who are there. They are going to pay for it. It is not about whether it is right or wrong; it is about whether it is a priority, whether we ought to be doing it now.

The Agricultural Research Service is a fine organization. Every time we need money for agriculture, we steal money from the Agricultural Research Service. There is nothing wrong with studying manure and its application as both a fertilizer, soil enhancer, and other things. There is nothing wrong with studying the other aspect of the odor. We slaughter 10,000 hogs a day in one plant in Oklahoma. I know exactly what it smells like. I have traveled every farm area in my State. As a matter of fact, to me a lot of it smells pretty good compared to what you smell in the cities. But the fact is, is it a priority that we spend that money now?

The real problem we have isn't earmarks. It is two: One is, we give this document short shrift; No. 2, we have become parochialized. We forget what our oath was that we signed when we came in here, to uphold the Constitution, to do the right things for this country as a whole in the long term and do the best things we can for the future of the children who follow. But what we have turned into is what can we take home; how do we look good at home; how do we send Federal dollars home.

The reason the stimulus bill was bad is because we took the lack of fiscal discipline in this body and we transferred it to every State house in the country. Ask any Governor what is happening now that we have passed the stimulus. The hard choices will not be made in the States. So the future prospect for fiscal discipline in the States is now gone. The next time they have problems, they will be counting on us. We have now transferred our bad habit of being fiscally irresponsible to the States.

I think it is ridiculous that at this time in our Nation, when we are going to have a $1.7 trillion deficit, we would spend the first penny on anything other than a necessity because when we have a $1.6 trillion deficit, it is not just $1.6 trillion, it is $1.6 trillion we are going to borrow over the next 30 years, and we are going to be paying awfully high interest rates. It is not very long—2015—when we are going to be at 40 percent of the budget going to interest. There will not be a Harkin school program for Iowa in 2015 because there will not be any money. We will not be able to borrow any more money because the interest rates and the cost to borrow it will be too high because the rest of the world will doubt whether we can pay back the money.

So the prudence I am asking for in trying to eliminate some of the earmarks is to think about the long term rather than the short term, to think about what is best for our country in the long term, not what is best for us and how we look at home, and to do what is within the framework of the Constitution.

The final point I will make: Presidential earmarks ought to have exactly the same dealing as we do with congressional earmarks—get them authorized, put them in a list of priorities, and then fund them. But do not send an earmark to the floor that is not authorized by the Congress and the relevant committee it comes through.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I appreciate the engagement by my friend from Oklahoma on this issue. But I will point out, first of all, one little mistake I think the Senator might have made. The research for the ARS for the swine research is well within the authorization the Agriculture Committee provided in the farm bill. It is well within their purview. So it is not outside their purview whatsoever. Again, I say the reason we put it in there: It has been administratively asked for before, but the Bush administration in the last year did not include it because they wanted to cut down their request, knowing full well we would probably fund it, which we have done here. But I just wanted to point that out.

Interestingly, the Senator mentioned article I, section 8, of the Constitution. Article I, section 8, of the Constitution, I would point out, is very clear:

> The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the Defense and general Welfare of the United States. . .;
>
> To borrow money on the credit of the United States;. . . .

Et cetera, et cetera.

Well, Congress—Congress, it says—has the power and authority to provide for the general welfare and to borrow money. I do not like to borrow money more than anyone else. But the Senator from Oklahoma said something about: Well, the money we are using to build these schools is borrowing from our grandchildren. I cannot think of a better thing to borrow from our grandchildren than to build better schools. As I pointed out, my father worked on WPA. I have his WPA card hanging on the wall of my office. They built schools all over America, schools which we are still using today. In fact, one of the Iowa Department of Education grants went to a middle school—it used to be a high school—it is a middle school that was built by WPA and had been in such disrepair, but the building itself was sound. They just had an old heating plant. Kids were getting sick. It was cold and drafty in the wintertime. They got a grant. They came in. They put in a new geothermal heating system. They put in double-paned windows. Here is a school built by WPA in 1939 and, with just a little bit more money, today is going to be used for another 50 more years for kids. So I say, if we are going to borrow from our grandchildren, let's build them better schools so the kids today will be better educated and will make more money and so our grandchildren will be better off.

Lastly, my friend from Oklahoma says that better buildings do not lead to better schools. He said: You could learn in Quonset huts, you could have a better education in a Quonset hut, I guess, than in some of our better schools. Well, I do not know how to respond to that. If you have a Quonset hut, are you going to have the up-to-date, latest technology in terms of the Internet? Probably not. Are you going to have up-to-date technology in terms of a science lab? Probably not. Physics lab? Probably not. Biology lab? Probably not. So what kind of education are you going to get in that Quonset hut? If we are sending our kids to school in Quonset huts, what are we telling them about how we value education? I daresay the nicest things that our kids should see in their daily lives ought to be where they go to school. They ought to be the brightest, the best lit, the best built, with the latest technology, with the best teachers and the best material. Then we are saying to our kids: Here is what we value.

So I could not disagree more with my friend from Oklahoma that kids will learn as well in a Quonset hut as they can in a nice building. All you have to do is look at the test scores of kids from schools that are in areas where they have high property taxes, a lot of wealth. Just look at those test scores and look at the scores of the kids who come from your poverty areas and rural areas. I do not mean just inner city but rural poverty areas. Look at their test scores. That will tell you something right there. Why? They cannot afford to hire the best teachers. They cannot afford to pay more for their teachers. They cannot afford to have the best laboratory and equipment and Internet technology for our kids.

So I could not disagree more with my friend from Oklahoma. I believe one of the most important things we can do in the Federal Government is to provide funds for the building and rebuilding and modernization of our schools all over America. As I said, I am sorry we are not doing it nationwide. We tried, and we will try again. But it is the one way we can help our local property taxpayers, help our kids—not interfere with what they are taught or how they are taught or what teachers they hire or what books they use. Let's take a page from what we did in the 1930s. Let's do it again. Let's build more schools all over America and make them modern and up to date for our kids so our grandkids will have a better life.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 610

Mr. LEVIN. Madam President, amendment No. 610 would strike from the bill funding for a number of projects. One of the projects which would be stricken is funding which I requested for the redevelopment of part of old Tiger Stadium and its ballfield. It is in an economically distressed area of Detroit called Corktown. I support funding of this project from the Economic Development Initiatives account. The purpose of that account is for projects such as this.

Historically, old ballparks have been demolished after Major League teams move out. Members of the community in Detroit, where I live, recognized the economic development value in old Tiger Stadium and its ballfield, so they formed a nonprofit organization called the Old Tiger Stadium Conservancy to help preserve a piece of this part of Detroit and its baseball history and to help revitalize the economy of downtown Detroit, because this is very close to the downtown in an area called Corktown.

The conservancy has been working with the city, which owns the stadium. This is a stadium owned by the city of Detroit. They worked on a plan to preserve part of this stadium—the original part of the stadium, which had been called Navin Field 140 years ago—and to do this for a number of purposes; mainly, so that youth leagues would be playing on that field.

That field and that piece of the stadium are a huge magnet for economic development. So to preserve that field—that field of dreams—and to redevelop that part of the stadium's structure and the adjacent land and to use the adjacent land for retail shops, restaurants, and other commercial and entertainment attractions will bring economic activity into a distressed neighborhood and into the city of Detroit.

Now, it was said yesterday, I believe, that it did not make sense for this fund to preserve an old stadium we are not going to do anything with. That is just simply not accurate. There is huge interest by developers in this old piece of Tiger Stadium and the field it is part of. Part of this old stadium has been demolished, demolished by the city, so what is left is a piece of this stadium, essentially between first and third base. This field and this piece of the stadium is nothing short of an anchor for the economic development project that will bring much needed jobs to a part of the city that desperately needs them. The conservancy has already received a number of letters of interest from local organizations and financial institutions expressing the desire to participate in the redevelopment, to bring commercial operations into the remaining stadium structure and the neighborhood area.

For too many years, economic development in this area has been stymied because of the unpredictable status of what was to happen to this property at the corner of Michigan and Trumbull, right near downtown Detroit. So there is now a new excitement, not only for the expectation of sports activities on the field, where youth teams will come and play, but also for the adjacent commercial retail, sports training programs, and other activities that will be attracted to the site.

According to the Housing and Community Development Act of 1974, the Economic Development Initiatives account, which this is part of, will benefit persons of low- and moderate-income and may be used for a number of purposes, including the restoration and preservation of historic properties and for economic development to improve the use of land for residential, commercial, industrial, recreational, and other needed activity centers. This project is what the 1974 act had in mind because it reuses part of a historic structure which has been sitting vacant for a decade and maintains its historic field as a recreational and commercial center of economic growth in a low- to moderate-income neighborhood in the city of Detroit.

So I hope this amendment will be defeated. This is an expenditure that comes from an important fund called the Economic Development Initiatives account. That fund is going to be spent in any event, and I can think of a few other things which also should come out of that account, but this is surely one of them. I hope this amendment is defeated and these funds are retained.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to speak in support of funding in this bill for the American Lighthouse Foundation. This allocation was recommended to the Appropriations Committee by Senator SNOWE and by me. Now, I can understand why those who are unfamiliar with this program might view this as an easy target. That is why I have come to the floor to explain to my colleagues, who may not be familiar with this program, why it is important and why it warrants Federal support.

The nonprofit American Lighthouse Foundation in Rockland, ME, partners with the U.S. Coast Guard to protect, restore, and preserve federally owned historic lighthouse properties. Let me repeat that. These are federally owned, and I wonder if the sponsor of this amendment understands that is the case.

The Coast Guard leases lighthouses to the American Lighthouse Foundation in an effort to help support restoration because the foundation raises private funds that help to relieve some of the burden that otherwise would fall on the American taxpayer.

The three Maine lighthouses that will directly benefit from that funding—Owls Head, Pemaquid Point, and Wood Island—are maintained by the U.S. Coast Guard as active aids to navigation. Let me repeat that point. These are active aids to navigation. The Presiding Officer knows how important that is. These lighthouses perform a vital function for Maine's lobster and fishing industries, as well as for commercial shipping and recreational boaters. They are critical active navigation aids.

I would also note the American Lighthouse appropriation is a direct investment in Federal property, a responsibility that dates to 1789 when the first Congress extended Federal funding to lighthouses. This isn't new. This isn't something the Senators from Maine dreamed up when we were trying to come up with worthy projects. This goes back to the beginning days of our Republic.

By working in partnership with the Coast Guard, the foundation has been able to raise funds from the private sector. Over the past decade, the foundation has invested more than $2 million in restoring lighthouses throughout New England, and in the process, saved the Federal Government much money by improving these sites with private sector dollars. So this is a wonderful public-private partnership. It is the kind of partnership we in Congress like to see and that we promote.

So, again, let me make three points I have to believe that the sponsor of this amendment was not fully aware of: First, that these lighthouses are federally owned; they are Federal property. Second, they house within them active aids to navigation maintained by the Coast Guard—the lights, the horn. These active aids to navigation are used by our fishing industry, our lobstermen, by commercial shippers, by recreational boaters. These are active lighthouses. Third, this is a public-private partnership. The foundation raises millions of dollars from private sources to help restore these lighthouses that contain aids to navigation used by the Coast Guard. Thus, the burden is shifted from the Federal Government to the private sector, and that is extremely helpful.

So I think this is a great example of why it is important that those of us who are sponsoring this funding come to the floor and explain it. I think when that is done, it casts a whole new light on the purpose of this funding and why it deserves Federal support.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 623

Mr. INOUYE. Madam President, I wish to speak on amendment No. 623, an amendment submitted by the Senator from Oklahoma, because it is most troubling for several reasons.

First, this amendment presumes guilt without the benefit of the full legal process. Second, it presumes that the 14 clients actively or knowingly participated in the alleged activities of the firm without any evidence to support that assumption. Third, the amendment will punish the clients for having funds allocated to their projects

without any knowledge of wrongdoing. Fourth, it makes the assumption that Members requested these projects because of ties to the lobbying firm rather than because these projects addressed the needs of their constituents.

The last thing we in this body should do on matters such as this is rush to judgment. Yes, we know the firm was raided by the FBI, and we also know the firm is in the process of being disbanded, but we also know no one from the firm has been convicted of any crime. In fact, as far as we know, no one has even been indicted for a crime. Further, there is nothing to suggest that the clients themselves are being investigated, much less guilty of some Federal offense. There has been absolutely no indication by anyone involved in the actual investigation that any of the clients of the PMA firm were involved in any illicit activity.

Under our legal system, everyone is presumed innocent until proven guilty, but under this amendment we will presume such guilt. We will presume guilt even of those who are not under investigation. It is not the responsibility of the Senate to presume guilt. That determination should be left to the courts based on evidence presented by Federal investigators.

Our ''evidence,'' however, is based on press reports. But even in this most questionable evidence, there has been no assertion that the clients were involved in any type of criminal activity and certainly none has been accused of any wrongdoing. Nonetheless, the amendment would deny funding for projects included in this bill by Members of the House and the Senate. The projects were approved by the relevant subcommittees and displayed publicly on the Internet.

Rather than assuming guilt, what we should assume is that Members who asked for these projects did so because they believe they will serve the needs of their constituents. We have no information that indicates that funds were recommended for these programs because of the efforts of any lobbying firm. We can't even say with certainty the funds were included at the behest of this particular lobbying firm. I would point out that the Senator from Oklahoma must also not be so sure since he has modified his amendment to remove one of the projects which he originally had on his list.

Are we seriously considering voting to cut funds for projects because we think they might—they might—have been related to a firm which is under investigation, even though the projects' advocates are not under investigation?

As do many of my colleagues, I meet with lobbyists every year—dozens of them. They seek hundreds of millions of dollars in earmarks in appropriations bills. I am not the only Member in this situation. Incidentally, the firm is not a Hawaiian firm, although the projects involved are Hawaiian. For the most part, the lobbyists with whom I meet request funds for projects pertaining to my State of Hawaii. But as do most Members of Congress, I seek funding only for ones which I believe will have the greatest benefit for my State and for its citizens and which hold the greatest promise for achieving a larger national objective. This is what we were elected to do—to serve our constituents.

Why do we presume guilt in this instance instead of innocence? Why do we assume wrongdoing by clients because they hired this lobbying firm? Why should we assume Members requested funds because of the efforts of the lobbying firm instead of the merits of the programs?

I can't speak personally of any of these projects because most of them were included by the House and agreed to by our subcommittees, but I do believe most Members act responsibly. I, for one, am willing to give the Members who sponsored these projects the benefit of the doubt that they did so because they believe the projects were meritorious and worthy of their support. I am not willing to presume our Members are guilty of wrongdoing because their constituents hired some lobbyist who might—and I emphasize the word ''might''—have been engaged in some illegal activity.

Do any of us seriously believe the Members who sponsored these programs in their States and districts did so for any reason other than it benefited their constituents or they believed in the work the clients are engaged in? For every Duke Cunningham willing to trade earmarks for cash, there are 534 other Congressmen and Senators who would never think of doing such a thing. I do not believe we should impugn the motives of the Members who sponsored these earmarks, and I can think of no reason to do so.

I recognize this is what we call a tough vote. Many Members might wish to vote in favor of this amendment because they fear the news spot that says they supported crooked earmarks. But my colleagues should understand if we don't stand up for this institution—the Senate—and its Members, no one else will. We should all recognize the next time this could be your earmark or mine. You could be the one standing on the Senate floor forced to defend yourself because someone is accused of wrongdoing, even though that matter is completely unrelated to your behavior.

This is actually a simple matter. There is no evidence to support wrongdoing by the Members involved. There is no evidence to suggest these projects are not meritorious. There is no evidence to suggest the clients who engaged in these projects did anything wrong.

Finally, we cannot be certain anyone engaged in any wrongdoing. This amendment sets a course down a slippery slope that is unnecessary. Federal laws already provide remedies to recoup funds depending on the circumstances if our legal system determines laws were broken. Funds can be rescinded and improper payments can be recovered by the agencies involved.

Finally, the agencies have their own rules and regulations to follow if they believe there is any impropriety involved. We should allow the legal process to work and then assess an appropriate response based on the results. We should not convict the clients and Members and enact punishment before we even know whether a crime has been committed. Therefore, I urge my colleagues to oppose this unfair amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. INOUYE. I am sorry. Yes, I withhold.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I thank my colleague from Hawaii, with whom I have had the great pleasure of serving in this body, for withholding that request.

I come to the Senate floor today to address the Omnibus appropriations bill, as well as to address one of the major needs of a major industry in our State.

I would ask my colleagues to think about this for a second: If there was a business in the United States they knew about that contributed annually around $150 billion to the U.S. economy; employed 1.2 million people, mostly in the manufacturing sector of the economy; is a major export driver with 40 percent of their production—40 percent of this $150 billion going to overseas sales, contributing to the economy, contributing as a multiplier, and a significant multiplier—to the economy, I think most people would say: What is the business and how do we support it? How do we move it on forward in these tough economic times, if the business is having a great deal of difficulty? The one major thing they are asking from the Government now is not to badmouth them, not to talk them down. It is to be positive about this business instead of being down. So of all the businesses we have coming to us asking for money, for support and grants and these sorts of things, we have one that is a major industry, an exporter, and a major manufacturer. They want us not to badmouth them anymore. We should be able to comply with that request, and we ought to.

I am talking about the general aviation industry, which is this $150 billion industry, flying 1.2 million people, primarily in the manufacturing sector. It is a major exporter that is growing but is having enormous difficulty in this economic and global climate because so much export was going overseas. Federal officials are making fun and saying people should not fly on these business aircraft; they should not use these things. They are making it a matter of derision.

The industry is simply asking us not to do that; help us out, don't talk us down, don't hurt us. The industry is appreciative of the bonus depreciation that was put in the stimulus package, and I am also appreciative of that. I hope it can help. It doesn't help when the President and others say people are disappearing on private jets and flying around the country.

I think it is helpful to present a few facts on the actual situation and say who actually uses business aircraft and where they go. Eighty-six percent of the passengers on business aircraft are not company senior officials but instead are mostly midlevel employees, including salespeople, engineers, and other technical specialists. These companies have operations in a number of different places. They can't get into convenient commercial airports, and they use business aircraft to get these people back and forth between various sites very efficiently.

A lot of my colleagues don't realize there are some 5,000 airports nationwide, but only 500 are served by commercial airlines. So 10 percent are served by commercial airlines and the other 90 percent are not. How do you get in and out of all the other 90 percent, other than by using business aircraft—whether it is propeller or jet? They are what ends up connecting a lot of people on a rapid basis throughout the country. That is important for people to realize. Without the use of a lot of business aircraft, you are going to have much more inefficiency in companies, a lot more difficulty getting people from point A to B.

In a lot of cases, you have emergency situations where you have business aircraft moving people who are very sick from one place to get them to a critical hospital; it gives them access. Behind all this and the numbers I am talking about, you have a bunch of people working for these companies.

I will show you some pictures of people in my State. I am proud of the work they do in business aircraft. This is King Air by Beechcraft. The assembly line is back here. I have been in these factories a number of times. It is an interesting and cool business. It is one a lot of places around the world are trying to steal from the United States. The Japanese, the Brazilians, and certainly the Chinese are trying to take this manufacturing business from the United States. We are the center of business aviation and of the construction of these planes for the world. As you might guess, it is a high-wage, high-skill manufacturing field. It is a great business. Consequently, you have a number of other competitors trying to break into this field at the same time our Government is talking down this business in the United States. The workers in my State who are making these great quality aircraft are saying: Just don't talk bad about us.

I have some other pictures I wish to show you of other people in this business. I want individuals to be able to see this. Behind every discussion, you have the people who make the aircraft. Most people who see this aircraft probably say there is probably somebody well-to-do inside. But more likely it is an engineer, a salesperson or a technician. These are the people building it. This is a Hawker 4000. It is a great aircraft that came out. I will show another aircraft. These are made in Wichita, with a lot of suppliers from the entire region and the country that are going into making these aircraft. These are some of the volunteers, the employees working here, volunteering in the community and this is from the Christmas season and this is soccer. Here are some of their products. I will show another one as well, so people can get an idea of who all is involved in this picture. This is the rollout of an aircraft, a Cessna. This is the celebration of the rollout of the first Sovereign jet. You can see in the picture the people involved in this.

I hope my colleagues will take note that when they use a cheap shot to say we should not have these guys using business aircraft, 90 percent of your airports would not be accessible if people were not using these. These are experts getting to various operations. The corporations would be far less efficient, and they would lose the connection for people to be able to make it to medical services that are critical in some places in the country. There is a lot of good this business does, and it is a business dominated by the United States. We need to support it, not hurt it.

Finally, on an amendment I hope comes up on a separate issue in the omnibus bill, there is a sunsetting of the DC scholarship program. I raise the point to my colleagues that this has been a very successful program, with a strong support base from the people who are using it and a desire to continue to use it. I think we ought to continue it rather than sunset this particular program.

In the omnibus bill, the opportunity scholarship program is sunsetted unless there is reauthorization that takes place. Hopefully, that will occur this year, and reauthorization will occur.

Listen to who is participating in this program, and if it is sunsetted, who cannot continue to participate. The average annual income of the people participating was around $22,800, far below the eligibility level for this program, which is 185 percent of the Federal poverty level or $39,000. The actual number is $22,736, and that is the average annual income of the people participating. Just over 1,700 students are participating in the program. They are trying to get into schools that are better for their kids because the DC Public Schools have not served them well.

The DC Public Schools' per pupil expenditure is the highest in the country at $15,000. The DC class size is one of the lowest in the country; it is a 14-to-1 student to teacher ratio. Yet reading scores continue to languish near or at the bottom of national assessment in the Nation. Recent data shows that 69 percent of fourth graders in the DC public schools are reading below basic levels. DC students ranked last in the Nation in both SAT and ACT scores. Forty-two percent of DC students drop out of school compared to 31 percent nationwide.

People fudge with figures and say it doesn't mean this or that, but what you have are 1,700-plus students who have opted to use a scholarship to get into a private school that they are very happy with, that they are performing well in, and that the parents are happy with, rather than the DC Public School System that, by and large, is not serving students well, and the longer you stay in that system, the poorer you are doing.

Most representatives, Congressmen and Senators, who have children and grandchildren in DC don't send their children to public schools. As a matter of fact, I don't know if anybody in this body does. Yet we consign people who don't have the income ability to get out of the DC public system into a school system that has failed students. A number of efforts are being made to change this system. I applaud the efforts by the mayor's office and the superintendent of schools, Michelle Rhee. But if you are in the system, these changes are taking time to make and you don't have time when you are going through the first, second, third, and fourth grades. Each year you are losing ground.

Here is a group of students who have found a way to get into a better situation. We should not take that away. It is wrong for us to take that away. I know they believe it is wrong to take that away. I urge my colleagues to not let this program be sunsetted but to reestablish it. I would like to see it expanded so more students could take advantage of it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 608

Mr. INOUYE. Madam President, may I associate myself with the comments of the chair of the Commerce, State, Justice Subcommittee regarding the amendment proposing an earmark for the Emmett Till Unsolved Civil Rights Crime Act.

Make no mistake, no one in this Chamber is interested in denying funding to resolve unsolved civil rights cases—no one. But what we are interested in doing is passing this bill as quickly as possible, so that the Department of Justice has the necessary and adequate funding to pursue these cases.

This amendment slows down that process. This amendment earmarks $10 million with existing funding for the Weed and Seed Program, which is an authorized competitive grant program under title I of the Omnibus Crime and Control and Safe Streets Act, which funds communitywide strategies to reduce violent crime, drug abuse, and gang activities.

This authorized program has nothing to do with resolving unsolved civil rights cases. Yet this amendment takes almost half the funding in one authorized program designed to combat violent crime and gang activities and earmarks it for a different program that already has millions in funding available for this effort.

I am confident this administration's Department of Justice will be using its resources to solve as many of these cases as possible.

The Department of Justice has at its disposal $123 million provided for the Civil Rights Division, $151 million in funding to reduce the backlog of untested DNA evidence, and $30 million for State and local governments to investigate and prosecute civil rights violations.

These are just a few of the many authorized civil rights-related programs for which the subcommittee chair has provided increased funding for the fiscal year 2009.

The best way to fund initiatives of the Emmett Till Unsolved Civil Rights Crime Act is to pass this measure—the underlying measure—now and send it to the President for his signature. The amendment of the Senator from Oklahoma detracts from that effort, while providing no overall benefit.

I yield the floor and suggest the absence after quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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 (Mr. CARDIN). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think it is a good time to take stock of where we are on this bill and to give my thoughts and feelings to my colleagues on why it is so important to get it done and move it swiftly.

The bill that is before us is unfinished business. It is an Omnibus appropriations bill that finishes up the funding for this year. The reason we are in this situation is for a variety of reasons, including an election, and the appropriations bills did not get done. Some of them did, but most of them did not get done. This bill wraps them up in a package, and here is where we are. We have two choices: Either we pass this bill the way it is or we go back to the continuing resolution which takes us back a year and a half ago.

It is very important for us to consider that point because a year and a half ago, life in America was very different. A year and a half ago, we were not in the jam we are in now economically. We did not see homes being lost at such a rapid rate. We did not see unemployment figures going into the double digits in some of our States, including California, which I am so proud to represent, my State. But it has over 10 percent unemployment at this time. If we go backward, as Senator MCCAIN is suggesting, and other colleagues, if we go backward to the continuing resolution approach where we ignore everything that has happened, then we have a budget for this year that is irrelevant in many aspects.

Why do I say that? In this particular omnibus bill—which I am sure has flaws, because nothing in life is perfect—we do address the housing crisis. In this omnibus bill, we do give the SEC, the Securities and Exchange Commission, the funding it needs to move against these Ponzi schemes and these frauds that are being perpetrated on the people. In this bill, we do more for education. We do more for health care. In this bill, we step up to the best of our ability to address some of these problems.

We know that if any of these amendments are adopted, it is going to weigh this bill down because the House has acted and said basically: This is last year's business; we don't want to get bogged down with it. Either take it or leave it. That is where we are.

As I have said often on this floor, we usually do not have a chance to get the perfect bill around here. It is very difficult to get the perfect bill, unless each of us wrote it his or her own way. Then it would be perfect for us.

Clearly, there are issues with this bill. But I want to say again, if you were sitting with your family and you went back to last year's budget and all of a sudden you realized that in the last 12 months, things had radically changed in your family—let's say you had a child who got sick with a terrible disease, let's say that your grandma had to go into a nursing home and she needed certain things—you would realize that last year's budget does not fit what your requirements are. You would have to address your child's health, your grandma's situation to be relevant for the year.

It doesn't always mean spending more money. I am not suggesting that at all. But this omnibus bill does respond to the needs of our people. Put that together with the stimulus bill, which is finally beginning to bear fruit out there—and I am excited about it because we are starting to see the funding flow to our States, we are starting to see people get back to work. Once we do this, it is another boost to the people of our great country.

These amendments that are coming at us at the end of the day, I believe many of them are meant to weigh this bill down, to take this bill off course. I am going to talk about a couple of those amendments.

Senator COBURN has an amendment for he says, the worst projects in the world—whatever he calls it. He is going after them. And one of those projects that he picks is one I was proud to get in here. So I want to talk about it because I am proud of it. The way Senator COBURN describes it, you wouldn't know what I did.

He says there is money in the bill for the Great Park in Orange County. But what he doesn't say is there is funding in here, and it is not that much funding compared to a lot of these items—$475,000 to restore the El Toro Marine Corps Air Station hangar No. 244. This hangar was opened in 1943 to house aircraft during World War II. The hangar is being renovated. It is being turned into a military history museum and a welcoming center for the park.

This particular $475,000 is not going for anything other than the renovation of this hangar to bring it back to life, to serve as a tribute to our veterans and to their military service. It will be on the site of what used to be a leading military installation on the west coast. Millions of U.S. military personnel during World War II, Korea, Vietnam, and the Cold War passed through El Toro. This base reuse project honors our military history and the service and the sacrifice of our military men and women.

This is not the first time my Republican friends have gone after veterans. I had another funding request. We were able to win that one, and we will win this one, too. I believe it. They were going after a program to help disabled veterans get back to a normal life. They actually did that. But we beat them then, and we will beat them now.

The hangar needs a number of repairs and upgrades to make it suitable for public use. This deals with the upgrade of electricity, fire safety systems. And 100 jobs will be created. Not bad. Mr. President, 100 jobs will be created through the rehab of this building, and another 10 to 20 full-time jobs will be created to staff the facility when it is built.

Here is the thing. Orange County, in which this particular project resides, is a Republican county. Registered Republicans outnumber registered Democrats by 235,000 voters, and they voted for this project 58 to 42 percent in an election where 500,000 votes were cast. Yet I have a Senator who comes on the floor and tries to say this is some frivolous, horrible project. I resent it, and so do the veterans resent it.

I ask unanimous consent to have printed in the RECORD a series of letters from veterans very concerned about Senator COBURN's amendment.

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

MARCH 3, 2009.

Senator BARBARA BOXER and MEMBERS OF CONGRESS.

DEAR SENATOR, I am taking this opportunity to formally thank you for all the success Orange County has experienced with the redevelopment of the former Marine Corps Air Station El Toro. If you had not taken a leadership role in helping the Orange County voters decide the future of the surplus military property at El Toro, I am certain our aspirations for a Great Park at the site would not have materialized.

Now, as the Orange County Great Park Corporation's lead sponsor for the development of a heritage museum honoring the contributions of our community to the defense of this great country, I must seek your

support once again. In the creative scheme to preserve an in-tact 1943 vintage U.S. Marine Corps squadron area, including two logistics buildings and a squadron administration-headquarters facility, and a historic hangar (hangar #244) our corporation seeks federal funds to help defray renovation costs.

The veterans and civilian employees who worked, transited, or were stationed at MCAS El Toro would be the primary beneficiaries of your successful efforts. We will incorporate the restoration of the subject buildings into an education program for local students—least we allow history to be forgotten.

My heartfelt request comes to you not only from a retired U.S. Marine Corps aviator, citizen activist with a twenty year experience defending the voters rights to decide the former MCAS El Toro's final design and use, but, also from my experiences as a Director at the Orange County Great Park Corporation and as a Commissioner of the California State Parks and Recreation Commission.

Our heritage museum needs your resolute support at this critical point in time. Please present this message to your fellow member of Congress.

Respectfully,

WILLIAM GUSTAV KOGERMAN,
LtCol USMC (Ret); Director, Orange County Great Park Corporation; Commissioner, State Parks and Recreation Commission.

MARCH 3, 2009.

Re: Renovation of Hangar #244 at MCAS El Toro.

MEMBERS OF CONGRESS: I have recently been informed that funding for the renovation of hangar 244 at the Great Park has been withdrawn. This is a travesty. MCAS El Toro once stood as an American symbol of freedom, providing a sense of security and an abundance of opportunity for surrounding communities. It would be a shame to allow the last remaining hangar standing at the Great Park to fall rather than serve as a reminder of the service this once great post served to the residents of Orange County and Southern California.

I strongly support the renovation of hangar #244.

JOHN ROTOLO,
GySgt USMC (Ret).

Both while in the military and since, I have traveled abroad. As a nation, we have done very little relative to our European counterparts to preserve historic treasures. This persistent desire to upgrade and update leaves our society at a historical disadvantage. Our society quickly forgets our roots and those who have fought to preserve them. As a result, the patriotic nature of our society has been damaged because we've underfunded the preservation of sites such as Hanger #244.

This past January, I was in the UK and visited Winston Churchills' Museum and Cabinet War Rooms (*http://cwr.iwm.org.uk/*). This is a fine example of how preserving historic military locations can communicate to the masses, the greatness of the military and its ability to produce such leadership. The people that I was with that day expressed great pride in their country, what they stood for and the military's accomplishments.

As a former Sergeant in the USMC stationed at MCAS Tustin, I had spent considerable time at MCAS El Toro. Geographically, I would suggest that MCAS El Toro's location and ease of access is an ideal location for a historic landmark. I stand behind your initiative to renovate hanger #244 at MCAS El Toro and wish that your funding returns with due speed.

Regards,

DAVE RISTOW,
Chief Financial Officer, KSS Retail

LTCOL CLIFTON WALLACE USMC (RET),
Irvine, CA.

Re: MCAS El Toro Hangar #244.

MEMBERS OF CONGRESS: I would like to publically add my emphatic support for the project to renovate Hangar 244 at the former Marine Corps Air Station El Toro, California now the Orange County Great Park. I served as a pilot at MCAS El Toro from 1977 until I retired from the Marine Corps in 1999 and feel it is extremely important that Hangar 244 be renovated and restored to its historical condition.

Hangar 244 is an original hangar from the 1940s and the last remaining historic hangar at the Great Park. It must be renovated and preserved to not only preserve the building but also the heritage of five decades of service to our nation's defense. The Great Park intends to build an aviation/heritage museum at the site and Hangar 244 will be a historic center piece for this new museum.

On October 2, 2008, the Orange County Great Park Corporation conducted an ''El Toro Homecoming'' event which honored veterans from World War II that were stationed at MCAS El Toro. Several hundred WWII veterans attended this historically important and emotional tribute conducted in Hangar 244 resulting in rich memories and moving stories by the men and women who served our nation during this time of great need. I strongly encourage support for the Hangar 244 renovation project and strongly request that funds for this project be restored.

Semper Fi,

CLIFTON WALLACE.

COL THOMAS Q. O'HARA USMCR (RET),
Lake Forest, CA.

CEO Orange County Great Park,
Irvine, CA.

SIR, I would like to express my wholehearted support for the renovation of hangar #244 at the former Marine Corps Air Station El Toro, CA now the Orange County Great Park. I served at MCAS El Toro in the 1960s, 1970s, 1980s, and 1990s and feel it extremely important that hangar #244, an original hangar from the 1940s, and the last remaining historic hangar at the Great Park be renovated and preserved to not only preserved the building but also the heritage that over five decades of service to our nation is represented by that last hangar. The Great Park intends to build an aviation/heritage museum at the site and hangar #244 will be a historic center piece for the new museum. I strongly encourage support for the renovation project and hope funds for this project are restored.

Semper Fi,

TOM O'HARA.

Mrs. BOXER. Mr. President, here is one letter. It is to Members of Congress signed ''Semper Fi, Clifton Wallace.'' He is a retired marine. He says:

I'd like to publicly add my emphatic support for the project to renovate Hangar 244 at the former Marine Corps Station El Toro, California now the Orange County Great Park. I served as a pilot . . . from 1977 until I retired in 1999 and feel it is extremely important that Hangar 244 be renovated and restored to its historical condition.

Hangar 244 is an original hangar from the 1940s and the last remaining historic hangar at the Great Park. It must be renovated and preserved to not only preserve the building but also the heritage of five decades of service to our nation's defense. . . .

He says:

On October 2, 2008, the Orange County Great Park Corporation conducted an ''El Toro Homecoming'' event which honored veterans from World War II that were stationed at [this base]. Several hundred WWII veterans attended this historically important and emotional tribute conducted in Hangar 244 resulting in rich memories and moving stories by the men and women who served our nation during this time of great need. I strongly encourage support for the Hangar 244 renovation project and strongly request that the funds [be there].

That is one. And this goes on veteran after veteran. Senator COBURN comes to the floor and talks about the Great Park and the free balloon rides that the kids have there. What does that have to do with this line item that turns this hangar into a museum for those who put their life on the line? I will say, Senator COBURN has gotten them so riled up and so worked up and so upset. For what reason? None that I can see.

So here is a circumstance where we have a line item our veterans want. One of them talks about visiting Europe and saying how much more the Europeans have preserved these memories of their fighting men and women compared to our country and he begs Senators not to strip this out.

Here we have a circumstance where Senator COBURN is saying I have a line item that is about ''the Great Park,'' but he does not say what the purpose of the line item is: to restore the hangar and turn it into a military museum and a visitor center to celebrate those who have given so much to our Nation.

Then we have another amendment by Senator MURKOWSKI. What she wants to do is go back to the bad old days of the Friday night midnight rules that the Bush administration took at the very end of their days here. The midnight rules were put in place and ran roughshod over the rights of the public to participate in the rulemaking process.

The language in the bill goes back to the status quo ante. In other words, it goes back to before the Bush administration issued its midnight rules.

On December 11, 2008, almost 35 years to the day after the Endangered Species Act became law, and after the Republicans lost the election, the Bush administration issued a midnight rule which allows Federal agencies to decide unilaterally that consultations with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service are not necessary when there is any type of development proposal. That midnight rule made a mockery of the process we are supposed to follow.

According to press reports, a Department of Interior e-mail indicated the Fish and Wildlife Service received 300,000 comments on the proposed rule. The agency reviewed 200,000 of these

comments in 32 hours. This is an average of 6,000 comments every hour. Let's face it, Mr. President, I don't care how many people you had looking at these comments, it is not possible that they could have reviewed the outcry from all over the country.

Now, who agrees with me? Dozens of groups. I am going to read some of the groups that said: No, don't do this. Yet they did it anyway:

The Audubon, American Rivers, Arizona Wilderness Coalition, Californians for Western Wilderness, Center for Biological Diversity, Defenders of Wildlife, Endangered Species Coalition, Friends of Red Rock Canyon, Friends of the Missouri Breaks Monument, Grand Canyon Wildlands Council, the Trust for Public Land, the Wilderness Society, Union of Concerned Scientists, World Wildlife Fund, Partnership for the National Trails System, Natural Resources Defense Council, Oregon Natural Desert Association, National Trust for Historic Preservation . . .

I am not reading them all, Mr. President, so I ask unanimous consent to have printed in the RECORD the entire list.

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

Audubon, American Rivers, Arizona Wilderness Coalition, Californians for Western Wilderness, Center for Biological Diversity, Cienega Watershed Partnership, Defenders of Wildlife, Earthjustice, Endangered Species Coalition, Friends of the Agua Fria National Monument, Friends of Red Rock Canyon, Friends of the Desert Mountains.

Friends of the Missouri Breaks Monument, Friends of the Sonoran Desert National Monument, Grand Canyon Wildlands Council, Grand Staircase Escalante Partners, Idaho Conservation League, International Dark-Sky Association, League of Conservation Voters, National Parks Conservation Association, National Trust for Historic Preservation, National Wildlife Federation, National Wildlife Refuge Association, Natural Resources Defense Council, Oregon Natural Desert Association.

Partnership for the National Trails System, Rincon Institute, San Juan Citizens Alliance, Scenic America, Sierra Club, Sky Island Alliance, Snake River Raptor Volunteers, Soda Mountain Wilderness Council, Southern Utah Wilderness Alliance, The Trust for Public Land, The Wilderness Society, Tuleyome, Union of Concerned Scientists, World Wildlife Fund.

Mrs. BOXER. Mr. President, you have the Bush administration, after they lost the election, take this step, not even looking at the peer-reviewed scientific evidence. The CRS—the Congressional Research Service—said there appears to be little additional protections by this act.

So they had two of these midnight rules. One dealt with the consultations they are supposed to have with environmental agencies before permits are given; the second one had to do with the polar bear. The Bush administration determined that the polar bear is a threatened species, and we all know, just from a little bit of reading or watching TV, that the polar bear is endangered or, I would say, certainly threatened because the ice habitat is melting literally under their feet. The Endangered Species Act applies to the polar bear. Oh, no, the Bush administration said, we are going to deny key protections for the polar bear under the Endangered Species Act. So they unilaterally decided by a rule that the only thing that will apply to the polar bear is marine mammal protection, not the Endangered Species Act, and the Bush administration put in this special rule without any notice or comment. They simply decided they wanted to eliminate the ESA's protections for the polar bear, and once again they ran roughshod over the process.

So in this omnibus bill, this is all we do. We say let's go back to regular order. Let's go back to the status quo ante. Let's go back to the way it was before these midnight rules were passed. I am very disappointed we have to vote on this because I think it is a matter of common sense and pride in the place we work. We need to follow a process.

It has nothing to do with how one feels about the polar bear. Frankly, I am heartbroken when I see what is happening to the polar bear. Other people may not be moved by it, may not be touched by it. But it doesn't matter how one feels about the polar bear. What matters is that we stand for the laws we passed in this great country under Republican and Democratic administrations, and the Endangered Species Act was one of those. If we see it isn't working, we can take steps, but let's not shortcut the process. So I hope we will oppose the Murkowski amendment.

Again, not everybody will agree with me the polar bear deserves protection under ESA. Not everybody will agree with me that before a permit is granted there ought to be consultation with Fish and Wildlife. Frankly, I think that is a very modest and moderate position to take and a commonsense position. But don't support an amendment which just says: To heck with what the public says. We don't care. It doesn't matter. Cut it short. Remove the Endangered Species Act. Remove the consultation process. That is not a way to go, and especially for the Bush administration to do it after the election, on one of those late-night announcements. Let's give this administration a chance to take a look at both of these rules, take a look at making sure the scientists are listened to, the public is listened to.

So, again, in closing, I want to say this in summing up. Senator COBURN has attacked the veterans in my State by calling a line item in this bill one of the worst projects in this bill. He actually did. The veterans in my State are up in arms, and I put the letters in the RECORD and I hope we will vote against the Coburn amendment. The way he has presented it is so unfair to my veterans. He talks about free balloon rides and the Great Park. The funding here is simply to refurbish a historic hangar, the only hangar at El Toro that can be preserved to remember these veterans. So I hope we will vote that down, and I hope we will vote down the Murkowski amendment because if you vote for her amendment, friends, what you are saying is the process should be truncated; that it doesn't matter who the President is—President Obama.

In other words, if you vote for this as a process, you are saying to this new President: Well, we support your being able to just decide whatever you want; to ignore the public comments, ignore the scientists; just get up and do whatever you want at midnight. I think that is wrong, and I don't care if the President is Republican or Democrat, we shouldn't do it that way. It isn't the right way to do it.

So I hope we will take a stand against that kind of government, and I hope we will take a stand in favor of my veterans. I hope we can, in fact, pass this bill and get on with our business because the option is to go back to a bill that was written—basically, it goes back to the old budget, before we had all the problems we have now. I think it is looking backwards. I think it is putting our government in reverse at a time when we need to move forward with confidence. I believe passing this bill is an important part of what we need to do this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 623

Mr. MCCAIN. Mr. President, I rise to briefly discuss the amendment that has been proposed by the Senator from Oklahoma, Mr. COBURN, to prohibit funding for PMA-related earmarks.

A lot of Americans don't know who PMA is, Mr. President. In fact, I didn't until recently, but it is very interesting. The Coburn amendment, by the way, would strike 13 projects where funding is directed to clients of the PMA Group, a lobbying firm currently under Federal investigation for corruption.

Today, we have before us a massive omnibus spending bill totaling nearly $410 billion that contains over 9,000 earmarks. Perhaps even more troubling than the number of earmarks is to whom and how some of this funding is being directed. Contained within this legislation are 13 earmarks totaling over $10 million directed to clients of the PMA Group.

Mr. President, the PMA Group is a lobbying firm that was recently forced to close its doors after the home of its owner and offices were raided last November by the FBI for suspicious campaign donation practices. That investigation continues to this day.

Well known for its deep ties to Capitol Hill, the PMA Group has a long and lucrative history for securing earmarks for its clients, including approximately $300 million in the fiscal year 2008 Defense appropriations bills—none of them authorized, by the way—$300 million.

There have been many accusations against the PMA Group, including using straw donors to further spread

their wealth to curry favor with influential Members of Congress. A February 14, 2009, Washington Post article examined campaign contributions reportedly given by members of the PMA Group and found ''several people who were not registered lobbyists and did not work for the lobbying firm,'' including a 75-year-old California man who, despite being listed in financial disclosure documentation as a donor and PMA employee, had never even heard of the firm.

Mr. President, I ask unanimous consent to have printed in the RECORD that complete article.

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

[From the Washington Post, Feb. 14, 2009]

DESPITE LISTING, DONORS DON'T WORK FOR FIRM BEING PROBED

(By Carol D. Leonnig)

Marvin Hoffman is listed in campaign finance records as one of the many lobbyists with the powerful PMA Group donating money to lawmakers. But Hoffman is a soon-to-retire information technology manager in Marina del Rey, Calif., who has never heard of the Arlington lobbying firm or the Indiana congressman to whom he supposedly gave $2,000.

''It's alarming that someone is stealing my identity somewhere,'' Hoffman, 75, said in an interview. ''I've never heard of this company.''

Another contributor listed as a PMA lobbyist is, in fact, a sales manager for an inflatable boat manufacturer in New Jersey. John Hendricksen said he did make campaign donations but never worked at PMA and does not know how he ended up listed in records that way.

These errors, along with other unusual donations linked to the firm, come as the Justice Department examines allegations that PMA may have violated campaign finance laws. The offices of PMA, which ranked last year as the 10th-largest Washington lobbying firm by earnings, were raided in November by FBI agents and Defense Department investigators.

Federal investigators are focused on allegations that PMA founder Paul Magliocchetti, a former appropriations staffer close to Rep. John P. Murtha (D–Pa.), may have reimbursed some of his staff to cover contributions made in their names to Murtha and other lawmakers, according to two sources familiar with the investigation. PMA has long had a reputation for securing earmarks from congressional appropriators, particularly for defense contractors, and it has donated generously to influential members of Congress. Magliocchetti personally gave $98,000 in campaign donations last year, according to campaign records.

Federal election laws limit the amount of money individuals may contribute to candidates, but lobbying firms often show their clout by collecting and bundling contributions. It is illegal for employers to reimburse donors for their contributions.

The Washington Post examined contributions that were reported as being made by PMA employees and consultants, and found several people who were not registered lobbyists and did not work at the lobbying firm. It is unclear whether the donors misidentified as PMA associates are part of the federal probe.

A PMA spokesman said the firm's management does not know Hoffman or Hendricksen and does not know how the errors were made in reports to the Federal Election Commission.

''It's up to the campaigns to report contributions in their FEC filings,'' said PMA spokesman Patrick Dorton.

FEC spokeswoman Mary Brandenberger said she has not often seen such misidentified donations, but if a complaint were received, the commission would first question the campaign about its record-keeping.

Jan Witold Baran, a campaign finance and ethics expert and Wiley Rein lawyer, said the errors pose serious questions and should be cleared up.

''It's true that candidate campaigns have the responsibility for disclosure, but the information they obtain usually comes from the contributor or the person who solicited from the contributor,'' Baran said. ''The question is: Where did that information come from?''

Murtha aide Matthew Mazonkey said the congressman was not the recipient of the erroneous donations.

PMA, founded in 1989 by Magliocchetti, a former Murtha aide to the House Appropriations Committee, has enjoyed a high success rate in winning earmarks for its clients, which include such major defense contractors as Lockheed and General Dynamics. PMA also represents a circle of lesser-known but also successful contractors such as Argon ST, MTS Technologies, DRS Technologies and Advanced Acoustic Concepts. Many PMA clients have opened offices in Murtha's western Pennsylvania district, donated generously to him, and received millions in earmarks requested by the congressman.

In the last election cycle, PMA and its clients donated $775,000 to Murtha's campaigns. Last year, those clients received earmarks worth $299 million and arranged by Murtha and his colleagues.

The majority of PMA's 35 lobbyists had worked on Capitol Hill or at the Pentagon. Several of the top lobbyists were also PMA directors and had ties to lawmakers.

Two men listed in campaign finance reports as together giving $30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island, his family said. Jon C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

Walker and Pugliese did not return repeated phone calls and messages.

Pugliese is listed as a PMA Group ''associate,'' and Walker is a PMA Group ''consultant'' in finance records.

Rebecca DeRosa, who is listed as a part-time accountant at PMA and director, recently married Magliocchetti and has given generously on PMA's behalf for several years. Last year alone, she personally gave $73,000 to lawmakers and congressional political action committees, records show. For most of those donations, she is listed as a PMA employee. Her donations included $22,000 to the Democratic Congressional Campaign Committee and $4,250 to Rep. James P. Moran Jr. (D–Va.).

DeRosa did not answer her phone or returns calls to the Gaithersburg office of the DRS subsidiary, where she is listed as an employee.

Mr. MCCAIN. An article from the Congressional Quarterly on February 19 noted another curious statistic from the PMA Group's financial disclosure forms. Somehow during the course of the last four election cycles, PMA's political action committee reported expenses of $18. Now, I have heard of businesses trying to cut overhead costs, but spending $18 over 8 years doesn't pass the smell test.

I don't use the word ''corruption'' lightly, Mr. President. I don't. But we have seen the abuses of the appropriations process before, and we obviously haven't learned. Whether it was Jack Abramoff bilking millions of dollars from numerous Indian tribes or Duke Cunningham steering high-value defense contracts to firms that curried his favor through bribes and extravagant trips around the world, we have a broken system that breeds this sort of behavior.

Let me remind you there are former Members of Congress and staff members who now reside in Federal prison. The allegations against the PMA Group are serious and troubling, and we in Congress should treat them as such. How in the world do we approve 13 earmarks that were obtained by a group that has been raided and shut down by the FBI? How do we tell the American people we did such a thing—$10 million and over $300 million in last year's Defense appropriations bill?

Mr. President, the American people, sooner or later, are going to hold us accountable. Why should we approve earmarks from an organization that is clearly in violation of numerous laws, including having the FBI raid them and shut them down? They have all said they are no longer in business anymore, and clearly there are people listed in campaign finance reports—and I will quote again from the Washington Post article:

> . . . giving $30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

And the article goes on and on, Mr. President.

> ''John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island,'' his family said. John C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

I will talk some more about this before this is over because the American people are beginning to figure it out. The American people are rising up in strenuous objection to this kind of process, with 9,000 porkbarrel earmark projects on them. Some of them are of value. Some are not. We do not know because it did not go through the authorization process these projects need to go through to be properly vetted and authorized by the authorizing committees.

We are not through with this bill, I am happy to say. I will be talking a lot

more about it, and the American people are talking a lot more about it. There have been some statements made that I am angry. I am angry, but I am not nearly as angry as the taxpayers are. I am not nearly as angry as the people who see that we are going to give $10 million in earmarks that were obtained by a company, a lobbying outfit, that has been raided and shut down by the FBI.

I urge my colleagues to vote in favor of the Coburn amendment to remove at least the $10 million from this porkbarrel bill that was obtained through an organization of questionable credentials, questionable donors, and certainly—according to the FBI, having shut them down—being people who do not deserve to be able to have $10 million of the taxpayers' dollars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I come to the floor to speak against Coburn amendment No. 596, not the amendment Senator MCCAIN was speaking to, and also to put some personal remarks in the RECORD in a few minutes. I understand some of my colleagues are here to speak as well, but since I am on the floor, I would like to make a comment about PMA.

I do not know PMA. I don't know the organization. But the Senator from Arizona certainly knows there are processes and ways to get at this other than amending this bill, which has a very tight deadline and is very important to all of the agencies of this Government.

He raises some legitimate points. He is angry. Many of us are angry about this process that has gone too far. But may I remind my colleague from Arizona that this Democratic-led Congress has reduced the number of earmarks by 50 percent, has made every single one transparent, has gone through an open and public process, and none, to my knowledge—on the testimony of the chairman of the committee who is on the floor now—has been put in at any time in a closed-door conference session, which was done routinely when the other side was in charge. While it is not perfect, while investigations must continue to go on and people must be held accountable, the Senator from Arizona knows he is not the only one angry, he is not the only one helping to lead this reform effort. President Obama himself has done a great deal of work on this subject, and we will continue to.

The second point I would like to make as an appropriator and one who does have directed spending in this bill is that since when did every authorizing committee turn out to be perfect in their authorization language? Since when did every bill that goes through every committee come out to a perfect end? We have a long list of bills and authorization programs that did not work, that were ineffective. So since when is it appropriate to come and say every authorization is perfect, but those things that were debated openly in the appropriations committee—testimony given, evidence in support of some of these programs—are all put in sort of a subcategory? I resent that.

This is a balance between authorizers and appropriators. It always has been and probably always will be. What we need to do is get back to a balance, which was completely out of whack when the Republicans were in charge of the budget process. As Democrats are trying, with some of our colleagues' support, to get a handle on this situation, I think the public is at least pleased that we are moving in that direction. We do have a ways to go. I certainly will admit that. With the leadership of Senator INOUYE, I think we are making some progress.

AMENDMENT NO. 596

On the Coburn amendment No. 596, I rise in opposition to it. It is a difficult amendment to oppose because on its face it seems as if it makes a great deal of sense. In fact, there was a strong vote for it on another bill. But I rise in opposition on this point alone: The amendment calls for everything in the bill to be competitively bid. On its face, it sounds like the right thing to do. Most people do put contracts out for competitive bid in the private sector. But there are any number of times the private sector does not do that. In the public sector, there are any number of reasons—whether it is special intelligence procurement; whether it is in the small business sector; whether it is programs that reach out especially to veterans where there are certain new technologies that have to be sole-sourced and not competitively bid—there are any number. The Senator from Oklahoma knows that very well. He is actually on the Homeland Security Committee and, I believe, the subcommittee that has jurisdiction. Mr. President, you and I serve on that committee with him. There is a way to go about narrowing or making sure that most of the Federal procurement is done through competitive bid. Not on this bill. Not this day. Not at this time.

It is not as if there are not some good arguments, but that is the problem with these amendments. They are not here to try to change and reform, contrary to what the others talk about. They are here to stop, to delay, to derail, to cause something to fail. They are not here in a constructive way.

That is why I am urging my colleagues to oppose Coburn amendment No. 596, to vote down the McCain and others amendments that have been offered—not because they do not have some kernels of truth in what they are trying to do, but this is not the time to do it and this is not the bill.

Finally, because I know my colleague from Missouri is here to speak, and others, I wish to take a moment, if I may, to pay tribute to a young man who worked for me for many years—actually, for 12 years.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Missouri is recognized.

(The remarks of Mrs. MCCASKILL and Mr. UDALL of Colorado pertaining to the submission of S. Res. 63 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. UDALL of Colorado. 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. DORGAN. 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. DORGAN. Mr. President, we will vote this afternoon on a number of amendments to the Omnibus appropriations bill. I want to comment briefly on one of them, and that is the Coburn amendment No. 596. That amendment presumably requires competitive bidding procedures to award contracts. That is a subject for which I have very strong support. I am all in favor of competitive bidding. I am tired of seeing sole-source contracts and contracts that go to special companies. I have held 18 hearings on the subject of contracting in Iraq. I have seen the most unbelievable waste, fraud and abuse that has ever happened in the history of this country. So sign me up as somebody who believes in competitive bidding and contracts. But let me make the point that this amendment goes way beyond the goal of requiring competitive bidding in support of saving the taxpayers money. This amendment does something much more than that.

This amendment—because it has not come through a committee and is not the product of a committee hearing—people don't understand. For example, it would set back 30 years of progress with respect to Indian communities and tribal governments where we have pursued something called Indian self-determination. The approach for self-determination on Indian reservations is to allow those tribal governments to access some of the funds in the programs designed explicitly for tribal governments dealing with housing, health care, education, and law enforcement. This amendment would essentially deny them opportunities to access those funds and move them off into a completely different process. It undermines the whole notion of self-determination for Indian reservations.

I know that is not what was intended by the author. I know that is not what was intended. But we should not, in any event, here in the twelfth hour, consider amendments that have not been the part of any hearing I am aware of. We should not pass legislation that would have the consequence

of undermining 30 years of progress. This progress is moving towards self-determination on Indian reservations where tribal governments are able to access those funds explicitly to best use them to benefit their tribal government.

We have the most significant poverty, unemployment, health care crisis, and homelessness anywhere in this country on Indian reservations. Many of them are living in Third World conditions. Health care is being rationed. It ought to be front-page news. Forty percent of the health care needs for American Indians is unmet. We have kids and elders dying because the money isn't there to provide adequate health care. The same is true with respect to education and housing. We have tried over the period to begin moving in the direction of self-determination in which, rather than have someone in some agency decide how tribes must address their housing or health care issue, self-determination for tribes allows them to begin to use that funding to best address their needs. I don't think anybody wants to upend the program. That wouldn't make any sense. We don't want to have a circumstance where we subvert progress that we have made in recent years on self-determination for Indian tribes.

This is only one issue. I am sure there are dozens with respect to this amendment. I couldn't support an amendment that, while it sounds good, has significant, unintended consequences for the first Americans. The first Americans were here to meet us, they are those who now live in substantial poverty, and those for whom legislation dealing with self-determination has tried to help by moving in a different direction. We should not undermine that. We should not in any way injure that approach to try to improve life on American Indian reservations. That is not the intent of the author, but I know that will be the consequence.

I hope my colleagues will join me in voting against the amendment.

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

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

Mr. DEMINT. Mr. President, it was great to hear Mrs. MCCASKILL, the Senator from Missouri, speaking on the floor. She has been a real champion of fighting one of the real causes of excess spending and waste in Washington. She came down to talk about earmarks. In this case, she was talking about Republican earmarks. I congratulate her because we have to go after them all. If there is one thing in this whole Congress that is bipartisan, it is earmarks. If America wants to know how well bipartisanship works, you can look at earmarks because when it comes to wasteful spending, there is great bipartisan agreement here in the Congress that as long as we get our pork, as long as we get our political projects we can take back home, then we will vote for whatever is in the bill no matter how big it is.

Senator MCCASKILL, though relatively new to the Senate, has been willing to take on not just my party but her own in fighting this root cause of much of the wasteful spending in Washington. So I commend her very much for coming to the floor, not just today but many other times.

She has worked with me on several earmark-related bills. She supported a 1-year moratorium on earmarks, which then-candidate Senator Obama flew back to vote to suspend earmarks for a year so we could look at ways to reform them so we would not continue this pattern of very wasteful spending.

I honestly believe the reason we are looking at trillion dollar bills today is because of this whole earmarking process. This $400 billion Omnibus appropriations bill we are considering this week, I am convinced would be voted down if the leadership on both sides had not sprinkled earmarks for about every Member of the House and the Senate. It is a way to pass bills that otherwise would not pass.

I do need to correct one thing Senator MCCASKILL mentioned, which is this idea that since the Democrats took over the majority, they have cut earmarks in half. I wish that were true, but, unfortunately, it is not. If you look at this chart I have in the Chamber, earmarks have grown under bipartisan agreement for years.

As we came into 2006, we began—several of us in the Senate and the House were putting increasing pressure on both sides to cut the number of earmarks, and they dropped a little bit. But this lower figure here, as shown on the chart, came as the Republicans had lost the majority in the election but had not yet given up the majority in that January. A number of us held back an omnibus bill with thousands of earmarks in it, and we ended the year 2007 with less earmarks than we had had in almost 10 years.

But, as you see, under the Democratic majority, it is already back to the second highest number, counting this omnibus we are talking about this week with over 9,000 new earmarks which are totally unnecessary, totally against the things that have been said in the last election, that in 2009, at least counting as of this week, we are nearly at 12,000—the second highest in history. So neither party can boast we have done anything significant about earmarks.

As America looks in, they are becoming increasingly outraged at this flagrant waste we are shamelessly involved with every week. So I commend Senator MCCASKILL for taking on both parties, senior Members in both parties, on this earmark issue.

But the real issue now comes back to leadership in our country, and is there anyone in Washington with the power to change this who is willing to take on the issue. My hope has been since the last election that while I know I will disagree with President Obama on a number of things, it was my understanding and my hope he would keep his word on fighting earmarks. He certainly talked about it during his election.

He said, in April of 2008: We can no longer accept a process that doles out earmarks based on a Member of Congress's seniority rather than the merit of the project.

He said, in October of 2008: We need earmark reform, and when I'm President, I will go line by line to make sure we're not spending money unwisely.

But, last week, his Budget Director said: This omnibus we are talking about this year is last year's business. We just need to move on.

So I guess this week we have suspended the Presidency, we have suspended hope and change, and we have gone back to nearly 12,000 earmarks.

Senator MCCASKILL said: Do not take anyone seriously who says one thing and does another. That is the worst sin of all.

What I am afraid of, at this point in the new Presidency, is that the only change that has occurred in Washington is the change with the President himself. This is an issue he said he would help us on. This is an issue he said he knew was a core problem of waste and corruption here in Washington. This is not a Republican or Democratic issue. Neither party can sit down here and say they are righteous in this. But both parties need to come to the understanding, the realization, that this earmarking process is destroying our whole work as a Congress.

You see, what this has done is this has trained the American people to believe that our purpose here in Washington is to take money home to our States and congressional districts. It is teaching the American people that we use earmarks as a reward to help those groups and organizations that helped us get elected. Or we use taxpayer money to bail out people who have been irresponsible in their decision-making.

But what we have forgotten is that our constitutional oath is to defend and protect the Constitution of the United States of America, not to get projects for our district. But what earmarking has done has perverted the whole purpose of this Congress. Instead of working on fixing a Tax Code that is destroying our economic base in this country, and overseeing our financial system to keep it from financial collapse, and fixing Social Security and Medicare so we can keep our promises to seniors, and defending our country by funding the military properly—instead of doing that, we spend most of

the year here in Washington figuring out which local roads and bridges and water and sewer plants and bike paths we are going to build.

In this omnibus bill or ominous bill—whatever you want to call it—it is hard to read the list and then think about the rhetoric of how treacherous these times are, how difficult they are, and that every penny we spend of taxpayer money has to go to help our economy and help the American people.

What does $1.8 million for swine odor and manure management research have to do with these difficult times we are in, or $200,000 for a tattoo removal violence prevention outreach program, or $75,000 for a Totally Teen Zone where people can play Xbox?

Folks, if I read this, it is only going to make you madder and madder and madder. This is a mix of Republican and Democratic earmarks. You would hear a lot of Senators say: I know this is a bad bill, I know it is wasteful, but I have something in it for back home. I can't vote against it.

There is only one person in Washington who can stop all this because Congressmen and Senators will say, similar to a bunch of drunks: I am not going to drink as much tomorrow. But they don't have the power to stop themselves. I have become convinced, after 10 years of being in the House and the Senate, we don't have the power to stop ourselves.

There is one person in Washington who can lead on this issue and he said he would lead on this issue and he said this is a change we could expect from his administration. The President should veto this omnibus bill with over 9,000 earmarks in it—9,000 of what I am reading here. It takes money. They say: It is not that much money; oh, it is just $7 billion or $8 billion or whatever; but the reason we are passing a $400 billion bill that we should not be passing right now is because it has these earmarks in it.

The reason you won't see very many people on the floor of this Senate come in and vote no is because they have something in it for back home that they have already done a press release on, taking credit and beating their chests for taking home the bacon, but the taxpayers are paying for it. Folks are getting more and more outraged, and I am, too, because I have children and I have grandchildren now and I know we are taking all these millions of dollars and putting it on their backs for the rest of their lives and taking credit for our little projects in our press reports.

There is only one person who can stop this; the person America counts on today for changing the way we do business in Washington. After only a month in office, if this system has changed him rather than him changing the system, then we are all in trouble. We have not reduced earmarks, and we are on track to have the highest number of earmarks in history within the next year, in a bipartisan fashion. There is nothing noble about combining bad ideas from both parties and calling it bipartisanship, and that is what we are doing here today.

I would encourage the President to threaten a veto of this bill, to follow through on a veto of this bill, and make this Congress send this bill back to committee and do the things America needs instead of the things we want politically to help us get elected in our next election that is coming up.

I wish to thank, again, the Senator from Missouri, Mrs. MCCASKILL, for bringing up this issue and having the courage to fight both parties on a very important issue to our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, on behalf of the leadership, I ask unanimous consent that the Senate now proceed to vote in relation to the Coburn amendment No. 596; that no amendment be in order to the amendment prior to a vote; that upon disposition of amendment No. 596, the Senate resume consideration of the Coburn amendment No. 608; and that there be 20 minutes of debate remaining with respect to the amendment, with no amendment in order to the amendment prior to a vote in relation thereto; with the time equally divided and controlled between Senators LEAHY and COBURN or their designees; that upon the use of that time, the Senate proceed to vote in relation to amendment No. 608.

The PRESIDING OFFICER. Is there objection?

Mr. INOUYE. Mr. President, I wish to clarify the time. There is no time at this moment, but it will be soon.

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

Mr. REID. Mr. President, prohibiting no-bid contracts is a laudable goal. With billions of dollars wasted on no-bid contracts by the previous administration, it is a goal that Democrats and Republicans should embrace.

But Amendment No. 596 which is disguised as a good government amendment does far more harm than good.

This amendment would require that only procedures in accordance with section 303 of the Federal Property Administrative Services Act would be eligible to receive funds.

The result would be to strictly limit opportunities for small businesses, minority-owned businesses and Native Americans to receive agency contracts.

The Indian Self-Determination Act and the Native American Housing Assistance and Self-Determination Act allow tribes to provide governmental services to their members by entering contracts and receiving grants. Requiring these contracts and grants to go through a competitive process would undermine the purposes of tribal self-determination.

The tribes in Nevada and throughout America know how to best serve their members' interests. Tribes enter contracts with the Bureau of Indian Affairs and the Indian Health Services to provide these services. This amendment threatens their authority to do so.

Enacting this amendment would roll back years of Small Business and Indian Affairs Committee authorizations by requiring that all contracts be awarded through just one specific section of one specific law.

Small businesses employ more than half of our country's private sector workforce. If we pass this resolution and deny these small businesses the ability to compete on a level playing field, we will be severely impeding our country's desperately needed job creation engine.

Congress has authorized a number of procedures over the years to help small businesses, veteran-owned businesses, minority-owned businesses and tribal enterprises gain access to government contracts. We have done so on a strong bipartisan basis because we recognize that small businesses are able to provide the same level of skill and service as their larger counterparts. We should continue giving these small companies a fair chance to earn business, prosper, grow and create the jobs our country desperately needs.

Mr. INOUYE. Mr. President, I ask for the yeas and nays on the Coburn amendment No. 596.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—38

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennett	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Shelby
Burr	Hagan	Specter
Chambliss	Hatch	Thune
Coburn	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Klobuchar	Warner
Crapo	Kyl	Webb
DeMint	Martinez	

NAYS—57

Akaka	Byrd	Durbin
Baucus	Cantwell	Feinstein
Begich	Cardin	Gillibrand
Bennet	Carper	Harkin
Bingaman	Casey	Hutchison
Bond	Cochran	Inouye
Boxer	Collins	Johnson
Brown	Dodd	Kaufman
Burris	Dorgan	Kerry

Kohl	Mikulski	Schumer
Landrieu	Murkowski	Shaheen
Lautenberg	Murray	Snowe
Leahy	Nelson (FL)	Stabenow
Levin	Nelson (NE)	Tester
Lieberman	Pryor	Udall (CO)
Lincoln	Reed	Udall (NM)
Lugar	Reid	Whitehouse
Menendez	Rockefeller	Wicker
Merkley	Sanders	Wyden

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The amendment (No. 596) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 608

The PRESIDING OFFICER. There will now be 20 minutes of debate prior to a vote on amendment No. 608 of the Senator from Oklahoma. Who yields time?

The Senator from Oklahoma is recognized.

AMENDMENT NO. 608

Mr. COBURN. Mr. President, this amendment is a very straightforward amendment. This Senate made a commitment last year through the Emmett Till Unsolved Civil Rights Crime Act that we would fund in this bill money to be applied to the Justice Department to start and bring up to a level that is appropriate the funding of the investigative, prosecutorial, and other necessary agencies with which to go after these unsolved crimes.

The reason it is important is that in most of these crimes, the witnesses are very elderly. So the timeliness of it is very important.

It is interesting today that the other side produced a letter from the Attorney General that states exactly the opposite position they took last year when I opposed trying to get the money to pay for this bill. They bring forth a letter that says Attorney General Holder is going to make sure we try to do this within the funds he has. That is the very argument I made last year, but it was not good enough. So we had hundreds of press releases go out on all these things we are going to do on the Emmett Till Unsolved Civil Rights Crime Act. Yet when it comes time to fund it this year, we cannot find $10 million in a $410 billion bill to do it. Either we mean to do it and we mean to uphold the promise we made to this group that has worked hard to have that bill passed or we are full of hot air.

This amendment takes $10 million from a program that has questionable results in half of its grant money. I will not go into the details of it. Yet we will not fund this bill. I said last year on the Senate floor, we will see if you fund it. And sure enough, you didn't fund it. So you didn't keep your commitment, you didn't keep your commitment to Alvin Sykes, a guy who has worked 10 years to get that bill passed. And now we come up and say we will take care of it through the administration, which was the very argument I used that said we didn't need increased authorization. Now all of a sudden you say that is good enough. Well, it is not good enough. It breaks your commitment to fully fund this program to bring to justice those who committed these terrible crimes.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is available in opposition to this amendment?

The PRESIDING OFFICER. Ten minutes.

Mr. LEAHY. Mr. President, I recall the young man who killed his parents and threw himself at the mercy of the court saying: You have to give me mercy, I am now an orphan. I have heard that line used before on this floor and I use it again in this instance because I hope we can tell the truth about what happened on the Emmett Till Unsolved Civil Rights Crime Act.

I worked very hard over the last two years with Senator DODD and Congressman LEWIS to pass the Emmett Till Unsolved Civil Rights Crime Act to provide resources for the Department of Justice and Federal Bureau of Investigation to investigate and prosecute decades-old unsolved civil rights cold case crimes. It could have been law earlier had not Republican opposition obstructed its enactment. We tried to get this bill through the Senate. It was being held up. Now, after the efforts to stop it from becoming law in the first place, we are told: Oh, my gosh, my Emmett Till bill, which I love so much, you are not funding it right. That is not right. This should have been a noncontroversial bill and it should not have taken several Congresses to pass.

Indeed, passage ended years of opposition by Senator COBURN and others across the aisle. In June 2007, we unsuccessfully attempted to get Senate consideration and passage of the bill by unanimous consent. Senator COBURN placed a hold on the Till bill. The Senator from Oklahoma also announced that he opposed the Till bill because the FBI is already investigating and prosecuting old civil rights cases and because crimes committed before 1970 cannot be prosecuted under most Federal civil rights statutes.

Majority Leader REID included the Emmett Till bill in the Advancing America's Priorities Act, S. 3297, last summer. It was still opposed by the Senator from Oklahoma who objected to its consideration.

I worked for months to have it considered and passed as a separate stand alone measure. I have to thank Senator DODD and Representative JOHN LEWIS for their leadership and hard work in persevering and getting it through the full Senate over the objection and the roadblocks of the Senator from Oklahoma. I was happy when he finally ended his opposition, after much public criticism, and I told him so at the time. After he lifted his hold, the full Senate passed the Till bill unanimously by voice vote. Senator COBURN announced that he ''can't convince'' his colleagues that ''there are plenty of funds'' at Justice to probe these old crimes, so he decided to lift his hold.

I am glad that Senator COBURN finally ended his opposition to the Emmett Till bill. I know that he now likes to emphasize that he belatedly became a supporter of the bill, but that was after years of having stalled its passage. Regrettably, the current Coburn amendment appears to be as mischievous as was his unsuccessful amendment to the District of Columbia House voting rights bill last week. It should suffer the same fate. It should not delay or deter passage of the Omnibus appropriations bill that needs to be passed by the Senate and signed by the President this week.

This special ''earmark'' that the Senator from Oklahoma is proposing is just not needed. Its functional impact if accepted would be to prevent enactment of the Omnibus appropriations bill this week and force it to be reconsidered by the House of Representatives. At a time when confidence and funding of our Nation's institutions is critical, we should not be playing games with funding. We need to get it done. We need to work together to solve the Nation's problems.

In fact, this Omnibus appropriations bill increases funding for the Justice Department, specifically for the Civil Rights Division, and already increases funding available to Emmett Till-type investigations and grants. I doubt that anyone in the Senate is a stronger supporter of Federal assistance to State and local law enforcement than I. Providing that support will take place when the Omnibus appropriations bill is enacted and we can provide the increased funding at last year's appropriated levels and the funding in the continuing resolution. I believe the best way to move forward, if we support the Emmett Till bill and care to solve unsolved civil rights era crimes, is to pass the Omnibus appropriations bill without adding this additional, unnecessary ''earmark.''

The able chair of the Appropriations Subcommittee, a long-time supporter of the Emmett Till bill, has set forth, not only does the Civil Rights Division get more funding under the bill, not only does the inspector general receive more funding under the bill, but $30 million is available under the bill for competitive funds for States and local jurisdictions, including for investigating and prosecuting civil rights violations. In addition, the increased funding for U.S. attorneys' offices, something for which some of us have been fighting for years, is significant; the funding for grants to State forensic labs is significant; and there is more than $150 million to reduce the backlog of offender profiles and untested DNA, something we have fought for in the Debbie Smith Act for years.

Does anybody doubt Attorney General Holder is sensitive to these matters? Of course he is. Our first African-American Attorney General does not need to be lectured or mandated on investigating heinous crimes committed against African Americans during the civil rights era. He has spoken about his dedication to restoring the Civil Rights Division. He will demonstrate his commitment. Indeed, in his recent letter to Chairwoman MIKULSKI he reiterates the Justice Department's ''wholehearted'' support for the goals of the Emmett Till Unsolved Civil Rights Crime Act, notes some of the actions the Department has already taken, and states his ''personal commitment'' to pursue these matters. Ironically, Senator COBURN voted against the nomination of Eric Holder, as well.

I join Chairman INOUYE, the distinguished chair of the Appropriations Committee; Chairwoman MIKULSKI, the chair of the Appropriations Subcommittee; Senator DODD, the author of the Emmett Till Unsolved Civil Rights Crime Act; and the majority leader in opposing this amendment at this time on this legislation.

Our interest is actually in going after these unsolved crimes, not in trying to add a poison pill amendment to the bill on the Senate floor. That is what we did, we fought for years over the objection of the Senator from Oklahoma to get the Emmett Till bill passed. Let's not now kill it with an amendment on the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be very brief. Senator LEAHY described the situation very well. One name that was not mentioned in the discussion here was Jim Talent, a former colleague of ours from Missouri, a former Republican Member of this body who was the principal author of the Emmett Till legislation. I was his cosponsor, and when he left, I became the lead sponsor and others joined on both sides of the aisle to adopt this legislation to pursue unsolved civil rights cases.

I say to my friend from Oklahoma, I am pleased we resolved it. He had some problems not so much with the idea of investigating unsolved matters. His concern was, if I recall, whether the matter ought to be authorized without having an offset at the time. As I recall, that was the debate.

We went a year, maybe longer, while this was held up and we were not able to adopt it. The argument is that had we done so, when it finally passed unanimously in this body, it was after the Commerce-Justice-Science appropriations bill was adopted. So it was too late to get the funding in that proposal. As a result, we ended up with an authorization.

As Senator LEAHY has pointed out, Eric Holder has testified, in fact, I think, in response to questions of my friend from Oklahoma, whether there would be funding for this program during either his confirmation hearing or an appearance before the committee. He responded there was adequate funding. He said—I think his quote was at the time he would ''figure out ways to try to move money around'' to investigate and prosecute these crimes.

Of course, under this omnibus bill before us, Department of Justice funds can be used to investigate unsolved civil rights crimes. The money includes $123 million for the Civil Rights Division at the Department of Justice responsible for investigating cold cases, which is $7 million more than the fiscal year 2008 levels. There is an additional $30 million for competitive funds for State and local governments. Eligible activities include expenses associated with investigating and prosecuting civil rights violations that are criminal in nature.

Obviously, as Senator LEAHY and others have pointed out, it is critically important we get this omnibus bill done or funding altogether will be eliminated. I say it is time we move forward. This has been an important matter, the fact that we received unanimous support on this effort back a few months ago.

Jim Talent, who came up with the idea, thought we ought to pursue these matters. I thought it was a worthy one. That is why I joined him in it. On a bipartisan basis, we stepped forward. It would be unfortunate at this hour to take this omnibus bill, which has resources to do that, to reject this and obviously send the whole matter into conference, which would delay the funding that is appropriated in this bill.

With that, I respectfully say to my friend from Oklahoma that I appreciate his support of the underlying concept and bill, that we pursue these matters of unsolved civil rights cases. I welcome his participation in that. I strongly urge my colleagues respectfully to reject the amendment so we can move forward and provide the funding necessary for the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first, I regret the inference that my obstruction to this bill was anything other than financial. To me it is a fairly low blow to imply, by the chairman of the Judiciary Committee, that I had a motivation other than financial. I am known in this body for trying to make us more efficient and to save money.

The second thing is it is laughable to call it an earmark. It is authorized. That is what we passed last year. It is authorized. It is authorized by 100 Senators. The commitment that was made was that we would fund it.

One of my negotiations for finally agreeing is that if you are going to do this and you are going to authorize it at $15 million a year, you ought to at least fund it since the very statements were that we didn't have the money within the Justice Department to do this the way the Justice Department was funded.

There is not one mention of this bill in either the report language or the text of the bill related to this particular act. So what we see is cover.

I truly wish to see us solve all these. But the game that is being played today is somebody forgot to fund it.

The final point I will make before my time runs out is that if this gets added, we are not going to not fund this. This bill is still going to pass, we are still going to do the hard work, and we are still going to fund the agencies. To imply otherwise is disingenuous.

This amendment was put up in a sincere effort to keep a commitment to Alvin Sykes, not to create mischief, not to be a bill killer, but to create a commitment. The last thing I told Alvin Sykes: You got it authorized. Your problem is going to be getting it funded. He was assured by the office of Senator DODD and others that it would be funded. And what do you know, the bill comes through and it is not funded. I don't know if it was a mistake. Just say it was a mistake and we will take care of it in the next bill. But to deny the fact we made a commitment and now are not keeping it and assign all sorts of motives different than what they are is pretty distasteful, I would say.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was going back over the notes of what I said. I don't find anything where I ascribe any motives to the Senator from Oklahoma. I am shocked that he thought I had. If there is any implication in the record that I was ascribing motive to my friend and valued member of the Senate Judiciary Committee, it certainly was not intended. I did, however, relate the fact that he held up the bill for some considerable period of time. That is a fact. That is in the RECORD. That is known. I will let him explain why he held it up. I ascribe no motives. In fact, in my 36 years in the Senate, I have not ascribed motives to any colleague of mine, even if he or she placed a hold on a bill. I am not about to start now. The fact is, the Senator from Oklahoma did place a hold on the important Emmett Till bill. The fact is, the full Senate did pass it over his objection. The fact is, we do have a letter from Eric Holder, the Attorney General, promising that his Justice Department has already, and will continue, to commit its resources towards prosecuting civil rights era cold cases. The fact is, the money we want to have is already in the bill we consider today. And the fact is, we have to pass this bill with the appropriations in here, including for the Department of Justice, so we can move forward as a nation. We must ensure that the Emmett Till bill is more than simply a statute. It must also be an answer to the hopes of all Americans that justice might finally occur in

so many of the unsolved civil rights cases.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Eric Holder.

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

THE ATTORNEY GENERAL,
Washington, DC, March 3, 2009.

Hon. BARBARA MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Department of Justice wholeheartedly supports the goals of the Emmett Till Unsolved Civil Rights Crime Act. The racially-motivated murders from the civil rights era constitute some of the greatest blemishes upon our history.

The Department is working in partnership with the National Association for the Advancement of Colored People, the Southern Poverty Law Center, and the National Urban League to investigate the unsolved racially-motivated violent crimes committed more than 40 years ago. The FBI has prioritized the top dozen of these cases, though there are more than 100 unsolved murder cases from the civil rights era under review by the FBI.

You have my personal commitment that the Department will continue to pursue these serious crimes in those matters in which the law and the facts would permit effective law enforcement action. We will continue to use our resources and expertise to identify and locate those responsible for these crimes and prosecute them whenever possible, consistent with the Principles of Federal Prosecution.

Sincerely,

ERIC H. HOLDER, Jr.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 20 seconds remaining.

Mr. LEAHY. Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. COBURN. I thank the Chair.

You know, it is interesting, when I hold bills it is hardly ever on policy. Every one of you got a letter from me—everybody in this body—which said I will oppose all new legislation if you are spending new money unless you decrease authorization somewhere else. The American people get that.

You can't keep growing the government and promising we will do things. So we are seeing it wrung out—the true operations of the Senate—because what we are doing is promising something, but when it comes down to dividing the pie, we don't have the money. So instead of recalling our press releases, we don't fund them. We don't keep our commitments.

No wonder the American people don't trust Congress. We play games. We manipulate. This is something that should have had, and was committed to having, a line item in the appropriations bill to make sure this money funds what is necessary on a timely basis.

The letter the chairman of the Judiciary just submitted for the RECORD has already been submitted for the RECORD. It was submitted this morning. But it is ironic that the very argument I used in trying to get them to offset this bill last year is the very argument they are using now to say we don't need to have a line item in the appropriations bill for it. It wasn't a good enough argument last year, but it is a good enough argument now that you don't want to fund this directly.

This is a matter of timing. We ought to put the money in this on a timely basis to make sure we solve these crimes. The witnesses are dying and the information is going away. Justice denied comes about because we are delaying justice. Regardless of the good intentions of the Attorney General, we can force them to spend this money in that way, and the way to do that is to put a line item in the bill.

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

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, there is very little time left to the Senator from Vermont. I serve on both the Appropriations Committee and also as Chairman of the Senate Judiciary Committee, the committee that has oversight over the Department of Justice. The amendment of the Senator from Oklahoma to fund the Emmett Till bill is unnecessary and would kill the overall appropriations. I will oppose it.

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

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment would not kill this bill. What it will do is, it will go back to the House, and they will have to agree to it. Everybody knows that. We have known this day was coming for a long time. Whatever the outcome, the fact is, those commitments weren't kept. We didn't do what we told the very people who worked very hard to accomplish this we would do, and it sheds a light on our body that should not be there.

Mr. President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coburn amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—37

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Shelby
Burr	Hatch	Specter
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Wicker
Corker	Lugar	
Cornyn	Martinez	

NAYS—58

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

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The amendment (No. 608) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. We have a couple more amendments offered by the Senator from Oklahoma that we are going to try to dispose of this evening. It is my wish that we could do that about 5:30 this afternoon. So people who wish to speak on the remaining two Coburn amendments should come and do that.

We do not have an agreement yet to that effect, but we are sure going to try to get to that. As everybody knows, there is an event at the White House that Senator MCCONNELL and the chairmen and ranking members have been invited to attend. We are going to do that. We are going to move through as many of these amendments as we can tonight. I would like to only get those two amendments voted on.

That means we have three that have already been filed, so we are going to come in early in the morning and start working on those. It is my understanding that there are a number of other amendments people want to offer. But I should alert everyone, we are kind of winding down. We have tomorrow to work on this. But I would hope everyone would understand we have been through a lot of amendments, with no prerequisites as to what they are, and I think that unless something untoward happens, I am going to

file cloture on this tonight for a Friday morning cloture vote.

We will have to see at that time how many amendments we can dispose of tomorrow to see what the temperature of the body is. It would certainly be possible, with a consent agreement, that we can dispose of this tomorrow. But it is up to the Senators as to what they want to do. As I have indicated, the CR expires on Friday. So we have to do something. I have told people this, but so there is no misunderstanding, I have spoken, in fact with the Speaker last night, had a meeting with her about 4:30 in the afternoon. She said: We have put our Members through a lot over here on this appropriations bill. I am not going to put them through any more. If there are any amendments, we are going to do a CR for the rest of the year.

But the information I have given the Senate is nothing new. I said that earlier this week. So we have had good debate on all these amendments. I hope it continues.

AMENDMENTS NOS. 607 AND 635

Mr. KYL. Mr. President, while the leader is still here, I ask unanimous consent that the Thune amendment No. 635, and the Wicker amendment No. 607 be modified with the changes that are at the desk.

Mrs. BOXER. Reserving the right to object, I have not seen those modifications.

Now I am being told they are very minor. In that case I will not object.

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

The amendments (Nos. 607 and 635), as modified, are as follows:

AMENDMENT NO. 607

On page 927, strike line 14 and all that follows through page 929, line 20, and insert the following:

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for UNFPA and are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health and Child Survival'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under ''International Organizations and Programs'' may be made available for the UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under ''International Organizations and Programs'' for fiscal year 2009 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) DEDUCTION.—If a report submitted under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

AMENDMENT NO. 635

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, $400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act, notwithstanding the limitation contained in section 3: *Provided*, That, not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report regarding the transfer.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in deference to the majority leader's request, I will not ask that amendment No. 635—

Mr. REID. Would my friend withhold for a unanimous consent request?

Mr. KYL. I will.

Mr. REID. Mr. President, I ask unanimous consent that the votes in relation to the Coburn amendments Nos. 610 and 623 occur at 5:35 p.m. today with no amendments in order to either amendment prior to a vote; and that the votes occur in the order listed with 2 minutes of debate equally divided prior to the second vote; and that the second vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I will not object, but I would like to make an inquiry, if I could, of the majority. I have been trying to get up a noncontroversial amendment for a long period of time. It is one that has actually been on this legislation since 1996, supported by Democrats and Republicans. I have to have an opportunity to get this thing up.

Mr. REID. Mr. President, I indicated to the Republican floor staff that that is one amendment we are aware is going to be offered. We hope to be able to start offering those as soon as we finish the votes this evening—at least yours and maybe a couple others we will consider, the one amendment Senator KYL is going to speak on now.

I asked Senator KERRY, the chairman of the committee, to take a look at it before we make an agreement on it, but yours is one we are aware of. We understand it. We are ready. I would only say to my friend from Oklahoma, I do not know what word you used—noncontroversial or whatever it is—that is in the eye of the beholder.

Mr. INHOFE. That is also in the eye of the majority of Democrats and Republicans in the last 17 years.

Mr. REID. But the majority has changed.

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

Mr. KYL. Mr. President, I was going to offer for consideration my amendment No. 634, but I will do that after the second vote at the request of the majority leader. Let me take a couple minutes right now to explain what this amendment is.

During the Presidential campaign, President Obama said:

> If we can impose the kinds of sanctions that, say, for example, Iran right now imports gasoline, even though it's an oil-producer, because its oil infrastructure has broken down, if we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing their cost-benefit analysis. That starts putting the squeeze on them.

Indeed, I think the President is exactly right about that. I know of no disagreement with that proposition. I also think there would be no disagreement with the proposition that U.S. taxpayers should not be supporting Iran's energy sector. As a result, I have offered or I will be offering this amendment No. 634 that does exactly that. It says very simply: That none of the funds made available in this appropriations legislation, can go to companies helping Iran either import or export energy or energy-related goods.

It also does give the President the authority to waive the provision if he deems it necessary for a valid national security reason.

Two quick points for colleagues who may say: Well, of course, we are not going to allow any of this money to go to companies that provide this kind of relief to Iran's energy sector. I would note two examples. Senator LIEBERMAN and I sent a letter to the Export-Import Bank last October because the bank gave $900 million to loan guarantees to a company that was exporting gasoline to Iran. When we asked the bank whether it thought the taxpayers should be funding those kinds of benefits to Iran, one of the points raised in the response to me, one that was, by the way, rather indirect in answering the question I asked was:

> The Ex-Im Bank generally is prohibited from taking foreign policy determinations

into account when making credit decisions pursuant to its Charter.

Well, of course, those are the kinds of considerations the American taxpayers would want to be taken into account. I would also note, on Monday, the Wall Street Journal noted that several of our colleagues from the other body wrote to the Secretary of Energy concerning a purchase of crude oil from another company doing business in Iran's energy sector. In this case, the company is named Vitol, a Netherlands trading firm that was fined $17.5 million after a jury convicted the company for criminal misdeeds related to the oil-for-food scandal.

Obviously, the U.S. Government should not be doing business with a company such as that.

Mr. President, I ask unanimous consent that a piece from the American Foreign Policy Council by Orde Kittrie and carried, I believe, in the Wall Street Journal, be printed in the RECORD at the end of my comments.

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

(See exhibit 1.)

Mr. KYL. I would hope when my colleagues have an opportunity to vote on this amendment, they will agree that ensuring the appropriate use of American taxpayer money is important, it is one of our obligations. We agree with the President that is the kind of thing we can do to put some pressure on Iran, and as a result, we should not be sending our money to companies that would be supporting the energy sector in Iran.

I appreciate my colleagues' consideration of the amendment when we have an opportunity to offer it, debate it, and vote on it.

EXHIBIT 1

[From the Wall Street Journal, Nov. 13, 2008]

HOW TO PUT THE SQUEEZE ON IRAN

CUTTING OFF ITS GASOLINE IMPORTS MAY BE THE ONLY PEACEFUL WAY TO GET TEHRAN TO ABANDON ITS NUCLEAR WEAPONS PROGRAM

(By Orde F. Kittrie)

If Barack Obama is to persuade Iran to negotiate away its illegal nuclear weapons program, he will first need to generate more leverage than what the Bush administration is leaving him with. The current U.N. sanctions have proven too weak to dissuade Tehran's leaders, and Russia and China seem determined to keep those sanctions weak. Meanwhile, the regime continues to insist there are no incentives in exchange for which it would halt or even limit its nuclear work.

However, Tehran has an economic Achilles' heel—its extraordinarily heavy dependence on imported gasoline. This dependence could be used by the United States to peacefully create decisive leverage over the Islamic Republic.

Iranian oil wells produce far more petroleum (crude oil) than Iran needs. Yet, remarkably for a country investing so much in nuclear power, Iran has not developed sufficient capacity to refine that crude oil into gasoline and diesel fuel. As a result, it must import some 40% of the gasoline it needs for internal consumption.

In recent months, Iran has, according to the respected trade publication International Oil Daily and other sources including the U.S. government, purchased nearly all of this gasoline from just five companies, four of them European: the Swiss firm Vitol; the Swiss/Dutch firm Trafigura; the French firm Total; British Petroleum; and one Indian company, Reliance Industries. If these companies stopped supplying Iran, the Iranians could replace only some of what they needed from other suppliers—and at a significantly higher price. Neither Russia nor China could serve as alternative suppliers. Both are themselves also heavily dependent on imports of the type of gasoline Iran needs.

Were these companies to stop supplying gasoline to Iran, the world-wide price of oil would be unaffected—the companies would simply sell to other buyers. But the impact on Iran would be substantial.

When Tehran attempted to ration gasoline during the summer of 2007, violent protests forced the regime to back down. Cutting off gasoline sales to Iran, or even a significant reduction, could have an even more dramatic effect.

In Congress, there is already bipartisan support for peacefully cutting off gasoline sales to Iran until it stops its illicit nuclear activities. Barack Obama, John McCain and the House of Representatives have all declared their support.

On June 4 of this year, for example, Sen. Obama said at a speech in Washington, D.C.: ''We should work with Europe, Japan and the Gulf states to find every avenue outside the U.N. to isolate the Iranian regime—from cutting off loan guarantees and expanding financial sanctions, to banning the export of refined petroleum to Iran.''

He repeated this sentiment during the presidential candidates' debate on Oct. 7: ''Iran right now imports gasoline . . . if we can prevent them from importing the gasoline that they need . . . that starts changing their cost-benefit analysis. That starts putting the squeeze on them.''

How do we stop the gasoline from flowing? The Bush administration has reportedly never asked the Swiss, Dutch, French, British or Indian governments to stop gasoline sales to Iran by the companies headquartered within their borders. An Obama administration should make this request, and do the same with other governments if other companies try to sell gasoline to Iran.

But the U.S. also has significant direct leverage over the companies that currently supply most of Iran's imported gasoline.

Consider India's Reliance Industries which, according to International Oil Daily, ''re-emerged as a major supplier of gasoline to Iran'' in July after taking a break for several months. It ''delivered three cargoes of gasoline totaling around 100,000 tons to Iran's Mideast Gulf port of Bandar Abbas from its giant Jamnagar refinery in India's western province of Gujarat.'' Reliance reportedly ''entered into a new arrangement with National Iranian Oil Co. (NIOC) under which it will supply around . . . three 35,000-ton cargoes a month, from its giant Jamnagar refinery.'' One hundred thousand tons represents some 10% of Iran's total monthly gasoline needs.

The Jamnagar refinery is heavily supported by U.S. taxpayer dollars. In May 2007, the U.S. Export-Import Bank, a government agency that assists in financing the export of U.S. goods and services, announced a $500 million loan guarantee to help finance expansion of the Jamnagar refinery. On Aug. 28, 2008, Ex-Im announced a new $400 million long-term loan guarantee for Reliance, including additional financing of work at the Jamnagar refinery.

Or consider the Swiss firm Vitol. According to International Oil Daily, Vitol ''over the past few years has accounted for around 60% of the gasoline shipped to Iran.'' Vitol is currently building a $100 million terminal in Port Canaveral, Florida.

Last year, when Minnesota Gov. Tim Pawlenty discovered that an Indian company, Essar, was seeking to both invest some $1.6 billion in Minnesota and invest over $5 billion in building a refinery in Iran, he put Essar to a choice. Mr. Pawlenty threatened to block state infrastructure subsidies and perhaps even construction permits for the Minnesota purchase unless Essar withdrew from the Iranian investment. Essar promptly withdrew from the Iranian investment.

Florida officials could consider taking a similar stance with Vitol.

The Minnesota example is not the only precedent. U.S. outreach to foreign banks and to oil companies considering investing in Iran's energy sector has reportedly convinced more than 80 banks and several major potential oil-field investors to cease all or some of their business with Iran. Among them: Germany's two largest banks (Deutsche Bank and Commerzbank), London-based HSBC, Credit Suisse, Norwegian energy company StatoilHydro, and Royal Dutch Shell.

A sustained initiative may be able to convince most or all current and potential suppliers that the profits to be gained from continuing to sell gasoline to Iran will be dwarfed by the lost loan guarantees and subsidies and foregone profits they will incur in the U.S. from continuing to do business with Iran.

Last Sunday, a group of 60 Iranian economists called for the regime to drastically change course, saying that President Mahmoud Ahmadinejad's ''tension-creating'' foreign policy has ''scared off foreign investment and inflicted heavy damage on the economy.'' The economists said the current sanctions, as weak as they are, have cost Iran billions of dollars by forcing it to use middlemen for exports and imports. Halting Iran's gasoline supply could contribute to reaching a tipping point—at which economic pressures and protests convince the regime its illicit nuclear program poses too great a risk to its grip over the Iranian people.

If the federal and key state governments in the U.S. were to make it their goal to achieve a halt by companies selling gasoline to Iran, it could be a game-changer. It may be our best remaining hope for peacefully convincing Iran to desist from developing nuclear weapons.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise this evening to address criticism that has been raised by some of our Republican colleagues about the Omnibus appropriations bill that is before us today. As I have talked about repeatedly, this bill that is in front of us now is very critical. At the end of this week, a few days from now, the continuing resolution we have been operating under is going to expire. At that time, the Government will shut down if we do not take action.

This bill we are talking about keeps the Government running at a time when we desperately need Federal employees on the job working to help our economy recover. Our communities are counting on the money and the work in this bill. This bill fulfills the commitment we made to our communities back in June and July, when we marked up these appropriations bills. It ensures that the basic needs of Government, from housing to law enforcement, to transportation safety are met

and that our agencies keep up with inflation.

I have come to the floor because some of my colleagues on the other side of the aisle have been raising questions about the 1 percent of funding in this bill that they call earmarks. I wish to spend a minute talking about that 1 percent of this funding.

The fact is, this is money that is being directed to critical needs in our communities, projects that our local leaders say they badly need so they can keep people safe or help them fund housing or ensure that local businesses stay strong.

Opposing that money means opposing new jobs, updating infrastructure and economic opportunity in local communities, including many in my home State at a time when communities across this country need all the help they can get to recover from this economic crisis. For example, this bill includes $3 million to help widen a very dangerous stretch of road between Walla Walla and Pasco in my home State of Washington.

Now, in the last 18 years, there have been over 1,000 accidents on that stretch of highway. Over 400 people have been hurt and more than 30 people have died. It is so dangerous a stretch of highway that local officials formed a coalition just to fight for funding to widen that highway. I have been very proud to work with them to help make their community safe. The sooner we can get that highway fixed the better.

This bill also includes $3 million to reimburse communities in Washington State for some of the cost of protecting our northern border. Now, most of the communities on our northern border are very small. But they bear the large burden of protecting our Nation from international criminals, including drug dealers and potential terrorists, and jailing international fugitives.

In fact, in Whatcom County, in the northern part of my State of Washington, they spend about $2 million from their general fund, from the county's general fund, every year to process these border-related criminal cases. They shoulder, this poor little county, an unfair burden in return for keeping all of us safe.

Those police and sheriffs along the border have made it clear to me that they need help. I was glad to work in this bill to help ensure that the Federal Government, us, is stepping up to support that local county.

This bill includes over $700,000 to build 83 studio apartments for chronically homeless and mentally ill people in Seattle, with at least a third of the space designated for homeless veterans. Because of this housing money, they are going to have a stable place to live. It will prevent some of the most vulnerable people in our community from falling through the cracks and allow them the chance to focus on getting treatment and rebuilding their lives.

Cascade Supportive Housing is a key part of King County's 10-year plan to end homelessness. Not only will this money help the people who live there, it will take a burden off the social safety net and ultimately save all of us money in services we would have had to provide. So like all of the projects listed, this might not have gotten Federal support if that community had not come to me as their Senator and if I had not been able to work hard, as my job is, to secure money in this appropriations bill. I am proud I can include funding for programs that help my constituents.

We have heard these projects called insulting and wasteful. Tell that to the commuters in Walla Walla. Tell that to the families trying to keep their homes in Seattle. Tell that to law enforcement personnel in Bellingham in Whatcom County.

Washington State is 2,500 miles away from this Nation's Capitol. When I come to DC, it is my responsibility to fight for my home State. I don't want to leave the decisions about what is best for Washington up to a bureaucrat in an agency who has never been to or even heard of Walla Walla or Pasco or Blaine, who has no idea who the people in those communities are or what their needs are. The Founders of our Constitution didn't want that either. In fact, our Nation's Founders made it clear that the administration has no right to spend money without congressional approval. They believed the people, through their representatives—and that is all of us—should make those decisions. Without congressionally directed spending, the President would have unprecedented power to determine where all of our taxpayer dollars are spent.

It is easy for critics to pull out projects that may sound funny to them or make an easy cable news story. They do this and then try to paint every bit of congressionally directed spending with one brush. I reject those efforts. I reject the notion that each and every bit of spending we direct is correct or wasteful. My constituents do too.

Additionally, unlike the pictures some of my colleagues are trying to paint, none of this spending is secret. Last Congress, Democrats led the most sweeping ethics and earmark reform in history. This year, the Appropriations Committees in both the House and Senate went out of their way to voluntarily bring that transparency to a new level. Last year, we reduced earmark spending by 43 percent. After President Obama won in November, we then went back and cut it by 5 percent more. Each and every earmark in this bill now has a name attached to it. Anyone who wants to can go online and find out who is asking for money and for what. That is the accountability and the transparency our constituents deserve and we have provided.

Secondly, Democrats are not the only ones directing money in this bill. Nearly half of the earmarks Republicans object to were inserted by Republicans themselves. This bill directs $475,000 to build an emergency shelter at a Women's Bay in Alaska; $475,000 to Harbor Homes in Nashua, NH, to build housing for honorably discharged homeless veterans; $475,000 for the construction of a residential substance abuse treatment center for women and their children in Sioux Falls, SD; $617,000 for a new building for the Houston food bank in Houston, TX; and $190,000 to build low-income housing in New Orleans. These and dozens of other projects are going to help families who are hungry or veterans who are homeless. They will enable parents to get access to high-quality childcare and families to find safe, affordable housing. They are good projects, and I am sure the Republican Senators who put them in these bills did so because they know this money will make a real difference for people in their communities. They know that if they didn't fight for funding in this bill, it is going to be up to some DC bureaucrat who might not know that the Houston food bank needs a new roof or that there is a real need for an emergency shelter at Women's Bay, AK. All of these create jobs. They direct money to vital infrastructure needs. They help strengthen communities for the future.

Senators who oppose this bill say it is full of waste. I doubt any of the Senators who asked for this money would say their project was money gone to waste. I bet neither would the communities that need the money to help shelter families or support businesses or keep people safe.

The point is, just as I don't expect a Senator from Oklahoma or Arizona to know the needs of Walla Walla or Bellingham, I don't want to tell another Senator that I know their State better than they. We have huge needs in this country today. We cannot afford to tie this bill up any longer on petty, baseless arguments. We cannot afford to risk shutting down the Government at the end of the day.

I urge colleagues, let's get this bill passed. Let's move forward. Let's get to work addressing the real problems Americans face every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask permission to speak as chairman of the Senate Committee on Appropriations Defense Subcommittee. I realize the Defense bill is not part of this package, but I have become quite concerned with the debate because I am certain many of my fellow Americans are now reaching the conclusion that earmarks are evil, that it is a waste, the money is down the drain.

I would like to share with my colleagues and refresh their memory as to what some of the funds have been spent for. This may come as a surprise to many Americans, but breast cancer research is in the Defense bill. It is an earmark. The National Institutes of Health has just declared that the finest

research on breast cancer is that program. That is an earmark because no one wanted to put in money for breast cancer. Now it is becoming the fad of the Nation. It is popular. But it took an earmark to begin that program. We have spent millions of dollars.

Then we have an aircraft called the C–17. It is now the most productive and the best working aircraft we have to carry cargo and personnel. Then we have the F–22, a fighter plane that requires a landing space just about the size of this room. I am citing these because these have shortened a war in Iraq. There is also the Predator, the unmanned vehicle. We send a plane out with no pilot, but it sends back signals and photographs, makes it possible for the men and women on the field to know what is on the other side of the mountain. That is an earmark. It did not come out of the mind of the President of the United States or from the Defense Department. It came from the minds of the members of the committee. I dare anyone to suggest that these are evil products. It has helped to shorten the war. It has helped to save lives. It will bring back the brave and courageous men and women from Iraq.

Yes, there are many more I can cite. But I think these few should remind us that earmarks are not evil.

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. MCCAIN. 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. MCCAIN. Mr. President, the Coburn amendment concerning the removal of line item appropriations from the bill that were sponsored by a group called PMA is pending before the Senate. I think it would be of interest to my colleagues to have some additional information about this organization.

I have mentioned before this organization's offices were raided in November in connection with an FBI investigation into its campaign contribution practices. According to multiple news accounts, the Associated Press reported Tuesday that the home of the founder of the PMA group, former House appropriations aide Paul Magliochetti, was also raided. Also, by doing some cursory research, we became aware that CQ reported last week that 104 Members of the House sponsored or cosponsored earmarks for clients of the PMA group in a single bill—the fiscal 2008 Defense appropriations bill. That set of lawmakers got $1.8 million in campaign contributions from the PMA group and its employees between 2001 and 2008. I also pointed out earlier today there was a Washington Post story as well as others reporting that there are campaign contributors who are listed as being contributors who have no knowledge, nor have ever been involved, in making campaign contributions.

I also noted that the payment for inserting the 14 appropriations—the 14 projects—in this bill to PMA Group comes to a total of $2.185 million. That is not a bad business for 1 year, to get paid $2.185, nearly $2.2 million of the taxpayers money—for getting porkbarrel projects inserted in appropriations bills. It is another reason why we should take these projects out. Many of these projects have been going on for some time and have been receiving very large amounts of Federal dollars for a long period of time. Most of them are doing the business that could be done by the National Science Foundation or done by the Department of Defense in competitive bidding, and many other ways that funding for these various companies and projects could have been implemented. Instead, they were inserted in an appropriations bill without authorization, without hearings, and without scrutiny. It is a very large amount of money—over $10 million which is being appropriated—and I am sure the payment to that lobbying group comes out of the money they are able to secure through this process.

So a cursory examination of the 14 projects identified revealed over $2 million paid to PMA as a fee for their services of a lobbying group that secured the earmarks. I think it is another reason why the Coburn amendment should be adopted. If the Coburn amendment is not adopted, then clearly, it is not only business as usual in Washington, but it indicates without a doubt that even if the FBI raids your headquarters, even if the home of the head of the lobbying group is raided by the FBI, your projects will still be inserted into appropriations bills without authorization, without scrutiny, and without competition.

This is a very important vote that is coming up. It is only—when I say ''only''—$10 million, but this organization, PMA, has been able to secure hundreds of millions of dollars over the years for various entities. If we go ahead and do not remove these projects, then it is not only business as usual in Washington, it has hit a new low.

I wish to thank the Senator from Oklahoma for his courage. I am aware, as he is, that it is not the most popular thing to do, to come to the floor and try to eliminate these projects and help work to reform the system that is obviously badly broken.

I note the presence of the majority leader on the floor. I did note his quote today where he said that the amendment is ''a nice try, but there's no lobbying organization I know of that is earmarked.''

Well, they are identified in the bill as according to the legislation or rule we passed last year. It may be a nice try, but I want to assure the majority leader that as long as I am here, I will come to this floor and I will go to the American people and try to stop this terrible waste of their tax dollars at a time when Americans are experiencing the most difficult of times.

With that, I thank the Senator from Oklahoma again for his courage and his hard work.

I yield the floor.

Mr. COBURN. Mr. President, could I inquire of the Chair what the order of business is now?

The PRESIDING OFFICER (Mr. SCHUMER). Votes are scheduled to begin at 5:35.

Mr. COBURN. Do we have any arrangement for the division of time?

The PRESIDING OFFICER. No, there is no such arrangement.

Mr. COBURN. I ask unanimous consent to be recognized and to share that time with anybody in opposition.

Mr. REID. Mr. President, I think the only speakers left are Dr. Coburn and myself, so he can go ahead and use any time he wants and if he goes over, I can use my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment is straightforward. There is an alleged significant violation of Federal law associated with the firm that was responsible for lobbying for the insertion of these 13 earmarks. I have not said anything about the quality of these earmarks. I have not said anything about the individuals who actually placed them. What I ask my colleagues is, in light of where we are today, should we not back off and say these should be stricken from the bill at this time until that situation is clarified?

It is prudent from a couple of standpoints. The investigation is rolling forward. We have had private residences now searched by the FBI, computers taken, and information pulled under subpoenas and search warrants issued by Federal courts. Do we want to be in the midst of passing things that were connected with what appears to be and is alleged to be improper behavior both in terms of the source of the funds, the payment of campaign funds, and the lobbying efforts on behalf of these firms?

I cast no aspersion on the firms or the entities that are getting this, nor on the individuals who have placed these earmarks. But I can tell my colleagues the American people are not going to be happy if we don't recognize that maybe there is a checkpoint here where we ought to reconsider what we are doing in light of the developing situation around this firm. If we go forward and assume there will be prosecutions and convictions, we find ourselves in a very uncomfortable position of having encouraged it. We also send a signal to other individual lobbying firms that there isn't a standard of behavior to which we will not respond to their lobbying efforts.

I ask my colleagues to take a look at this not as Members of the Senate but as individual citizens outside of the

Senate in the country, as others look at us and say, What are you doing?

Is there not a point in time—again, I make the point that the Senator from Arizona made that it would be totally different if these were authorized earmarks, but they are not. They went through the Appropriations Committee, not the authorizing committees. They have never been judged by a group of our peers. They weren't voted on; they were inserted. We raise the specter of whether we can be trustworthy in front of the American people. We need to work to regain their trust.

I will not say any more. This will speak a lot about our body and what the American people say. I understand the votes are lining up. I understand that. But I will assure you that I will keep coming to the floor on earmarks—not because I am against earmarks. If you authorize an earmark, I will give you your right to do whatever you want to do. On unauthorized earmarks that aren't vetted and are put out in front of the rest of the Congress and the rest of the individuals on committees to have a vote on whether they are a priority, I am going to keep raising that issue. I am sorry if that is irritating, but that is the way it is going to be.

Mr. President, Senator BOXER defended an earmark she sponsored that I have singled out as an example of misplaced priorities.

The Boxer earmark, which is one of nearly 9,000 tucked into this bill, is listed on page 100 of the bill's report and is described only as $475,000 ''for improvements to the Orange County Great Park'' from the Economic Development Initiatives to ''Orange County Great Park Corporation, CA.''

Nothing more is stated as to the purpose or intent of this earmark.

Senator BOXER claimed that my criticism of this earmark was an insult to veterans in her state. This is apparently because the unwritten and unspecified intention of the earmark according to her statement is to restore the El Toro Marine Corps Air Station Hangar Number 244 into a history museum and welcoming center.

The reality is this type of legislating without transparency is an insult to all taxpayers.

With nearly 9,000 earmarks in this bill described with nothing more than a few words or a single vague phrase, it is next to impossible for anyone other than the Senators and lobbyists who requested these earmarks to know the real intent of how billions of dollars in taxpayer dollars are intended to be spent.

As I found from statements made by the Senator from California and the Great Park's own Website, the Great Park ''will be larger than New York's Central Park and San Francisco's Golden Gate Park COMBINED.''

This municipal park is expected to cost $1.1 billion. Its main attraction is a massive helium balloon operated by two pilots with six-figure salaries. According to the Orange County Great Park Corporation Website, ''The Orange County Great Park Plan will provide a wide array of active and passive uses, including a 2.5 mile canyon and lake, miles of walking and biking trails, a cultural terrace, Orange County's largest sports park, a botanical garden, and a tethered helium observation balloon that will be an icon for the Great Park. More than 3,885 of the 4,700 acres will be dedicated to open space, education, and other public uses.''

As found by the Los Angeles Times, the Great Park also includes a $300,000 tent designed to resemble an airplane hangar that costs $75,000 a year to clean; a four-person visitor center crew hired under a $370,000 annual contract; a series of orange dots painted along the park's entrance road at a cost of $14,000.

Additional costs have included $838,000 to build a road to the balloon, plant citrus trees and buy a $300,000 special 50-by-50-foot tent that will serve as the visitor center, $380,000 a year for two balloon pilots, a hostess and maintenance, $100,000 a year for a balloon replacement fund, $94,000 a year for portable restrooms, $52,000 annually for security between 1 and 5 a.m., and $30,000 a year for trash removal.

This appropriation of almost half a million dollars could have gone to any of these initiatives none of which sound like true national priorities.

Local county officials were, in fact, outraged with what local funds were being appropriated for. The bulk of the first $52 million the city spent on this project went to hire a team of dozens of design, engineering and public relations consultants, to build the balloon ride and to pay administrative staff.

''To have nothing more than a balloon and the possibility of a 27-acre park is disappointing,'' said county Supervisor Bill Campbel, '' They're spending a lot on engineers, PR people and other things, and they're not delivering.''

State Assemblyman Todd Spitzer—a Republican from Orange Country—also criticized the city for not building recreation facilities that could be used by the public, while wasting money on ''a ridiculous, oversized balloon and free rides.''

With a state-wide unemployment rate at over 10 percent and almost 2 million unemployed, Californians may also prefer these funds to be spent on other more pressing priorities.

While we all want to honor the great sacrifices or our veterans, I do not believe this earmark is a national priority, especially in light of the poor local spending decisions made in the past on this ambitious municipal park project. Perhaps this money and the billions spent on the other pork projects in this bill could have been better spent on veterans health care or survivor benefits for the spouses and families of those who lost their lives fighting for our great Nation.

Ms. SNOWE. Mr. President, I rise in opposition to the Coburn amendment No. 610, which will eliminate, among other appropriations requests one that my colleague from Maine, Senator COLLINS, and I had submitted that would help preserve and rehabilitate historic lighthouses along the Maine coast.

At a time when our economy continues to cascade downward with unemployment at record highs, I do believe it is critical to scrutinize the size and scope of spending measures which is frankly what we did in regard to the recently enacted stimulus package—so I understand the impetus behind my colleague's amendment. At the same time, regrettably, his amendment would potentially harm not only the existence of an historic emblem of my State and our Nation, but also a key economic catalyst for tourism that is part and parcel of my home State and the livelihood of many of her citizens.

Each lighthouse tells a different story and each one is as integral to the history and narrative of our State as the magnificent landscapes on which they proudly stand. That is why, in 1995, I introduced a bill that would later become law to establish the Maine Lights Program. We succeeded in preserving this significant component of American heritage through collaboration among the Federal Government, the State of Maine, local communities, and private organizations, while at the same time, relieving what had become a costly strain on the U.S. Coast Guard.

Across the country, responsibility for the care of our lighthouses has been assumed by nonprofit historic societies—many of which are struggling in these uncertain economic times. That is why this bill would appropriate $380,000 to the American Lighthouse Foundation, stewards of 11 of Maine's 83 historic lighthouses.

I believe that the essential word in my previous sentence is ''stewards''—because the structures are still federally owned property. It is not private property, it is not city or town property or even State property, but Federal property. It is also imperative to note that these lighthouses are operable aids to navigation. Lighthouses may seem a quaint relic of a bygone era, however they are not an anachronism. Daily, lighthouses lead our Nation's mariners and fishermen away from danger.

Given that the maintenance of lighthouses is now being transferred under the National Lighthouse Preservation Act from Federal ownership to nonprofit historical societies like the American Lighthouse Foundation, the task of providing the required resources to ensure the longevity and viability of these lighthouses would also represent a welcomed economic boost both to tourism and also to job creation.

The fact is, tourism has become increasingly crucial to Maine's economy, as manufacturing jobs have fled our

State, not to mention our Nation. In fact, in 2006, the most recent year for which statistics are available, approximately one-fifth of State sales tax revenues were attributable to tourism, and, when income and fuel taxes are added, the Maine State government collected $429 million tourism-related tax dollars in that year.

The Maine State Planning Office, which has quantified more precisely the pivotal role tourism plays in the Maine economy, found that in 2006, tourism generated $10 billion in sales of goods and services, 140,000 jobs, and $3 billion in earnings. Tourism accounts for one in five dollars of sales throughout Maine's economy and supported the equivalent of one in six Maine jobs. The Planning Office also discovered that an estimated 10 million overnight trips and 30 million day trips were taken that year in Maine, with travelers spending nearly $1 billion on lodging, $3 billion on food, and $1 billion on recreational activities.

But those statistics are from 3 years ago—before the economy began to unravel at an accelerating rate, and so given these economic times confronting all of us, the financial necessity of our lighthouses, especially to tourism, has grown, not dissipated.

And so, I urge my colleagues to defeat this amendment and send a message not only that historic preservation of our nation's prominent buildings and structures—like our lighthouses—continues to be in the national interest, but also that tourism is an industry we should be striving to support as a key antidote to our ailing economy.

Mr. BYRD. Mr. President, my colleague from Oklahoma has offered an amendment which seeks to eliminate funding for 11 initiatives. Among those initiatives he seeks to eliminate is language authorizing the National Park Service to expend up to $300,000 to defray the costs of the events associated with the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry.

For those whose memories need refreshing, on the evening of October 16, 1859, abolitionist John Brown led a group of men to Harpers Ferry to seize control of the town and steal weapons from the old Federal armory to be used in the cause against slavery. By the morning of October 18, the engine house, later known as John Brown's Fort, was surrounded by a company of U.S. Marines under the command of COL Robert E. Lee of the U.S. Army. With most of his men either dead or captured, John Brown was taken into custody, tried, and found guilty of treason, conspiring with slaves to rebel, and murder. Although John Brown's short-lived raid on Harpers Ferry failed, his trial and execution helped to focus the Nation's attention on the moral issue of slavery and constituted a major step toward the Civil War.

I had requested $300,000 to enable the National Park Service to fully support the myriad activities that have been planned in the Harpers Ferry area throughout this year to highlight the relevance of John Brown's raid to the history of this country. Ultimately, the Interior Appropriations Subcommittee, rather than supporting direct funding, included language to provide the National Park Service the authority to expend up to $300,000 for the anniversary effort.

The Park Service is expecting that nearly 100,000 people will participate in the series of reenactments, dramatic productions, family activities, and special tours that have been planned by the John Brown Sesquicentennial Quad-State Committee. Supporting the events for such crowds at the Harpers Ferry National Historical Park will largely be the burden of the National Park Service. Without the additional support, the agency reports that planned activities at Harpers Ferry would likely have to be reduced in scope by 75 percent.

As a Congress, we should be doing all in our power to keep the unique history of our country alive and accessible to anyone who wants to learn. In better understanding the significance of the Harpers Ferry raid, we learn about our Nation's failures, our mistakes, and the inequities of our past. But we also learn about the values and ideals upon which our Nation was founded—the values and ideals that have inspired the American people throughout our history. Writing about the thousands of soldiers who lost their lives during the Civil War battle at Antietam, historian Bruce Catton explained that those men did not die for a few feet of a cornfield or a rocky hill. They died that this country might be permitted to go on, and that it might be permitted to fulfill the great hope of our Founding Fathers.

So may be said of all those courageous men who participated in the historic raid on Harpers Ferry. They paid the ultimate sacrifice to permit this country to go on, to fulfill the great hope of our Founding Fathers. They sacrificed to promote and to protect the freedom and liberties of all Americans. As President Abraham Lincoln said of those soldiers who fell in the Battle of Gettysburg, they ''gave their lives that this Nation might live.''

Without this knowledge of our heritage, we cannot appreciate the hard-won freedoms that are now our birthright. As I have said before, one does not protect what one does not value. And one does not value what one does not understand.

Mr. INOUYE. Mr. President, many of my colleagues whose spending initiatives are under attack by this amendment have spoken today to provide a more detailed explanation of what the funding would be used for.

If we took the time to listen, we discovered that what may appear frivolous based on a three word description is actually relevant to the programs under which the funding is provided, and relevant to improving the lives of our constituents.

For example, the tattoo removal earmark on this list is for a program run by Providence Holy Cross Hospital in Mission Hills, CA, to remove gang insignia tattoos of reforming gang members. It is an effective anti-crime program founded by Sister June Wilkerson.

For ex-gang members, having a tattoo often means not getting hired for a job, or beaten or killed. It is that simple. It is that effective.

I have a few comments about the bill as a whole and earmarks. I would also like to note that this bill reflects a reduction in earmarks of 45 percent from fiscal year 2006 and a 5-percent reduction from last year.

These initiatives are not a surprise to anyone in this chamber. Every earmark in this bill is on the Internet.

A few Members are simply trying to pick a project here and a project there to attack to further their effort to amend and delay passage and possibly kill this bill.

We need to finish our work here.

I have no problems with reforming the way we do business, in fact, in our continuing effort to provide unprecedented transparency to the process, Chairman OBEY and I announced further reforms to begin with the 2010 bills, including: (1) a further reduction in earmarks. We have committed to reducing earmarks to 50 percent from fiscal year 2006 level; (2) posting requests online to offer more opportunity for public scrutiny of member requests. Members will be required to post information on their earmark requests on their web sites at the time the request is made explaining the purpose of the earmark and why it is a valuable use of taxpayer funds; and (3) early public disclosure to increase public scrutiny of committee decisions.

Earmark disclosure tables will be made publically available the same day as the House or Senate subcommittee rather than full committee reports their bill or 24 hours before full committee consideration of appropriations legislation that has not been marked up by a Senate subcommittee.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, if I don't finish my remarks before 5:35, I ask that everybody recognize that the vote may occur a minute or two right after 5:35.

This amendment directs the Senate to eliminate 13 separate science and education projects from this bill. The Senator from Oklahoma claims these projects are somehow associated with a lobbying outfit that is under some kind of an investigation. He acknowledges that the quality of the congressionally directed spending is not questioned, that the persons whose names are associated with these congressionally directed funding matters are not in question. So what is this all about?

I wish to remind my colleagues of the many reforms this Congress has imposed on the earmarking process. The days of unlimited and unaccountable congressionally directed spending are gone. Those days are behind us. We passed the most sweeping ethics and lobbying reform in the history of the country—and rightfully so. We have never gone beyond that.

Last year, when we were back in power for the first time in a number of years, we Democrats dramatically reduced the volume of earmarks in the bills—by 43 percent. In this bill, we reduced them another 5 percent. The volume of earmarks is less than half what they were in 2006 when our Republican colleagues were in the majority.

Just as important, under our reforms, each and every congressionally directed spending earmark in this bill is fully disclosed and transparent to the public. What does that mean? Each of these is backed by a letter from a House or Senate sponsor certifying that they and their family members have absolutely no financial interest in the earmark. For every one of these earmarks, the name of the grantee and the House or Senate sponsor are posted on the Internet for the public to see. So there is the name of the person requesting it, a certification that no one benefits from it other than the person to whom the money is directed, and they are posted on the Internet before any of these are voted on in the House or Senate.

This amendment is the third separate amendment the Senator from Oklahoma sought to present to the Senate on this topic of congressionally directed spending. Everybody knows how I feel about these. I am a Member of the Congress of the United States. I believe in the Constitution. I believe that when the Founding Fathers set up this country, they set up three separate and equal branches of Government. What Congress has been doing since we became a country is have the Congress involved in where spending takes place. I have an obligation to the people of Nevada to make sure there is not some bureaucrat down in one of these big offices in Washington, DC, who determines every penny spent in Nevada. I think I have a better outlook on this than a lot of people who are bureaucrats. I have been here going on 27 years, and I have done my best to direct congressional spending to places in Nevada where I think it helped. It has helped. I am one who believes we are going to reduce these earmarks even more. We have made that commitment. But no one should lecture me on what my role is as a Member of Congress.

I say that this amendment, I repeat, is the third separate amendment the Senator from Oklahoma has sought to present on this topic. A couple of days ago, the Senator filed amendment No. 609 to address this lobbying outfit known as PMA. I don't even know what that stands for; I have no idea. Yesterday, he filed a completely different amendment, No. 623, which he called to the floor. That amendment purported to list earmarks in this bill that are associated with this suspect lobbying organization. Then, after he presented No. 623 to the Senate, he realized he had a project listed in this amendment for DePaul University that probably had absolutely nothing to do with this lobbying group. So he got consent—we didn't object to changing the amendment—to remove that project from the list.

That is the central point. We don't necessarily know who the lobbying groups are behind the projects that are asked to be appropriated by Members of Congress, just as Senator COBURN didn't know who the lobbyist was for this project for DePaul. We don't include earmarks at the behest of lobbyists; we include them at the behest of elected Members of Congress. That is what the Appropriations Committee does.

There are famous firms in town—Tommy Boggs—everybody knows Patton Boggs, but that firm has nothing in here. They are a big lobbying outfit. Their name doesn't appear on anything. The only thing that appears is what is in the RECORD, and it is so transparent, you could not try to hide anything if you wanted to anymore. You have to list everything, and it appears in the RECORD days before we vote on it.

For the projects I champion in Nevada, I don't check to find out if a lobbyist cared. I don't really care, Mr. President. A lot of my constituents in the city of Las Vegas, Clark County; the city of Reno, Boulder City; North Las Vegas, and the universities have lobbyists. I don't give those entities I just mentioned an earmark because some lobbyist asked for it. I support projects in Nevada because they are brought to me by my mayors, community organizations, and universities. I support them because I believe they will improve the lives of people in my State.

We cannot start picking and eliminating earmarks because we think we know who the lobbyist may be, just like DePaul University. Lobbyists don't face the voters. Lobbyists are not accountable for the merits of these projects, and nobody has focused more attention on lobbyists than President Obama. Congressmen and Senators are accountable for these projects, not lobbyists. Congressmen and Senators will be held accountable by constituents, not lobbyists. Every one of these objections to funding that the Senator from Oklahoma has raised has the name of a Member of Congress by it. That is the person responsible.

I hope my colleagues will join me in defeating this vexatious amendment which is without any foundation.

CLOTURE MOTION

Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act.

Harry Reid, Daniel K. Inouye, Patty Murray, E. Benjamin Nelson, Mark L. Pryor, Amy Klobuchar, Debbie Stabenow, Bernard Sanders, Patrick J. Leahy, Sheldon Whitehouse, Byron L. Dorgan, Richard Durbin, Charles E. Schumer, Jack Reed, Barbara A. Mikulski, Mary L. Landrieu, Jon Tester, Tom Harkin.

Mr. REID. Mr. President, I indicated to my friend, the distinguished Republican leader, that I would file a cloture motion. I didn't tell him when. I said it would be today. One reason I am doing it now is that during the day we have had scores of other amendments filed. It is obvious there is no effort to help us pass this extremely important legislation. I think the time has come to bring it to a close. We can vote either Friday morning or we can vote sometime tomorrow. Other amendments will be offered, and I understand that. We will work with the minority as to what those amendments should be. We know we have three pending. I have talked to a number of other Senators on the Republican side who want to offer amendments. We will take those into consideration.

Mr. President, I ask that the mandatory quorum be waived.

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

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 610, offered by Senator COBURN.

Mr. REID. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—34

Barrasso	Crapo	Inhofe
Bayh	DeMint	Isakson
Bennet	Ensign	Kyl
Brownback	Enzi	Lugar
Bunning	Feingold	Martinez
Burr	Graham	McCain
Chambliss	Grassley	McConnell
Coburn	Gregg	Nelson (FL)
Corker	Hatch	
Cornyn	Hutchison	

Risch
Roberts
Thune
Udall (CO)
Vitter
Wicker

NAYS—61

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

NOT VOTING—4

Conrad
Johanns
Kennedy
Sessions

The amendment (No. 610) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 623, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided before a vote on amendment No. 623, as modified.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I yield back my time.

Mrs. MURRAY. I yield back our time.

The PRESIDING OFFICER. All time is expired.

The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—43

Alexander
Barrasso
Bayh
Bennet
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kyl
Lincoln
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Risch
Roberts
Shelby
Snowe
Thune
Vitter
Wicker

NAYS—52

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

NOT VOTING—4

Conrad
Johanns
Kennedy
Sessions

The amendment (No. 623), as modified, was rejected.

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

The motion to lay on the table was agreed to.

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

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

Mr. REID. Madam President, we have now pending three votes; three amendments are still pending. I have spoken to the distinguished manager of the bill on the Republican side. He wishes to offer an amendment on behalf of Senator KYL, Senator CRAPO, and one by Senator INHOFE. Is that right, I say through the Chair to my friend from Mississippi?

Mr. COCHRAN. Madam President, the leader is correct.

Mr. REID. That gives us six votes to work out sometime tomorrow. I think, from our perspective, we are drawing to the end of a little situation on which we have been here all week. I think we have given everyone the opportunity to offer amendments. We have filed now about 70-some-odd amendments. I think we have been more than reasonable on this bill. The time for this CR runs out the day after tomorrow.

Originally, as some will recall, Friday was listed as a ''no vote'' day and we were hopeful that could take place. I am still hopeful we can work out something tomorrow. If we cannot work out something with the minority tomorrow, we will have a cloture vote, probably about 9:30 on Friday. We hope that is not necessary but that we will see. We are going to do our best.

I have been informed by the distinguished manager of the bill on the Republican side that he believes that each of the three Senators—CRAPO, INHOFE and KYL—would agree to time agreements on their amendments.

The other three amendments have had some discussion but we will have to have some more because, of course, they were laid down yesterday.

I think that gives the body an understanding of where we are and where we are going to go tomorrow. We will probably come in about 9:30 tomorrow and try to work through these amendments.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENTS NOS. 634, 613, AND 638

Mr. COCHRAN. Madam President, in keeping with the statement of the majority leader, I ask unanimous consent that the pending amendments be set aside and that amendment No. 634 by Senator KYL, No. 613 by Senator INHOFE, and No. 638 by Senator CRAPO be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KYL, proposes an amendment numbered 634.

The Senator from Mississippi [Mr. COCHRAN], for Mr. INHOFE, proposes an amendment numbered 613.

The Senator from Mississippi [Mr. COCHRAN], for Mr. CRAPO, for himself, Mr. VITTER, and Mr. CORKER, proposes an amendment numbered 638.

The amendments are as follows:

AMENDMENT NO. 634

(Purpose: To prohibit the expenditure of amounts made available under this Act in a contract with any company that has a business presence in Iran's energy sector)

At the appropriate place, insert the following:

SEC. ____. (a) Except as provided under subsection (b), none of the funds made available under this Act may be spent by a Federal agency in a new contract or other expenditure of Federal funds with a company identified by the Department of the Treasury Office of Foreign Assets Control (OFAC) as having a business presence in Iran's energy sector, including Iran's refineries, gasoline, refined petroleum products, and oil and natural gas fields.

(b) The President may waive the application of subsection (a), on a case-by-case basis, if the President—

(1) determines that such waiver is necessary for the national security interests of the United States; and

(2) submits an unclassified report to Congress, with a classified annex if necessary, that describes the reasons such waiver is necessary.

AMENDMENT NO. 613

(Purpose: To provide that no funds may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons)

On page 942, between lines 14 and 15, insert the following:

RESTRICTION ON ASSESSED CONTRIBUTIONS AND VOLUNTARY PAYMENTS TO UNITED NATIONS

SEC. 7093. None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or

imposes any taxation on any United States persons.

AMENDMENT NO. 638

(Purpose: To strike a provision relating to Federal Trade Commission authority over home mortgages)

Strike section 626 of title VI, of Division D.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. CONRAD. Madam President, I wish to offer for the record the Budget Committee's official scoring of H.R. 1105, the Omnibus Appropriations Act for fiscal year 2009.

The bill, as passed by the House, provides $407.6 billion in nonemergency discretionary budget authority, BA, for fiscal year 2009, which will result in new outlays of $244.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $468.1 billion.

The bill also includes $100 million in emergency discretionary BA for 2009 resulting in $85 million in new outlays for the Secret Service.

When the nonemergency funding in H.R. 1105 is combined with the funding included in H.R 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for fiscal year 2009, the overall level equals the Appropriations Committee's 302(a) allocation for budget authority and is $2.5 billion below the committee's allocation for outlays.

Each appropriations subcommittee included in H.R. 1105 is at its respective 302(b) suballocation for budget authority and outlays.

The bill would cause the 2009 budget resolution spending aggregates to be exceeded and would therefore be subject to a point of order under Section 311(a)(2)(A) of the Congressional Budget Act. In addition, several provisions in the bill make changes in mandatory programs—CHIMPs—that are subject to a point of order under section 314 of S. Con. Res. 70, the concurrent budget resolution for fiscal year 2009. Finally, the bill includes an emergency designation pursuant to section 204 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008. No other points of order lie against the bill as passed by the House.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

HR. 1105, Omnibus Appropriations Act, 2009

[Spending comparisons—House Passed Bill (in millions of dollars)]

	Total Funding
House-Passed Bill:	
Budget Authority	407,602
Outlays	468,067
Previously-enacted:	
Budget Authority	605,084
Outlays	636,433
Total:	
Budget Authority	1,012,686
Outlays	1,104,500
Senate 302(a) allocation:	
Budget Authority	1,012,686
Outlays	1,107,004
House-Passed Bill Compared To:	
Senate 302(a) allocation:	
Budget Authority	0
Outlays	−2,504

Note: The bill also includes $100 million in emergency funding for the Secret Service.●

Mr. REID. Madam 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. WARNER. Madam 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

Mr. WARNER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

HONORING JASON MATTHEWS

Ms. LANDRIEU. Madam President, I wish to pay tribute to a young man who worked for me for many years—actually, for 12 years. He has been a very vital part of the Landrieu staff. He is retired. He left our office after 12 years of wonderful service.

Jason Matthews started out with me as an assistant in my first campaign for the Senate as literally a young kid right out of college. He worked his way up. He had no real political connections other than just a passion for the work, a heart for people, and a good mind. He came to Washington with me 12 years ago and started out, maybe even answering the phones some days, and worked his way up as military LA and then as legislative director and then general counsel and then left our office with the title chief of staff.

Besides serving with such great humor and a great mind for policy and, as I said, a great heart for people, he served with great cheer through very difficult times that our office and many of my colleagues from Louisiana have been through considering the storms of the past recent years and the extra work our staffs have had to go through because of them. Jason led that effort with good humor. Because of him, many wonderful accomplishments in our office have been achieved. One I will mention, and I will share the rest for the record, is Louisiana's longstanding effort to achieve some balance and fairness in the distribution of oil and gas royalties and revenues which interior States have enjoyed since 1927 and coastal States have not because of the peculiarity in the law. Jason helped us fight a 10-year battle and finally was successful.

The people of all of Louisiana will be grateful for many years for his service. He has led the people of Louisiana to great achievements. He has served the people of our country well. I wanted to pay tribute to him today and to wish him the best as he goes on to future endeavors here in the Washington, DC, area.

TROUBLED ASSET RELIEF PROGRAM OVERSIGHT ENHANCEMENT ACT

Mr. INHOFE. Madam President, to date, over 380 companies have received some $300 billion taxpayer dollars from the Troubled Asset Relief Program, supposedly to improve their financial stability. These include some of the largest corporations and financial institutions in America.

Yet in recent years, many of these same firms found enough money to contribute annually to some of the most radical organizations in the nation.

They have donated large sums to ACORN, Friends of the Earth, Planned Parenthood, the Natural Resources Defense Council, and Conservation International Foundation, to name just a few. The vast majority of Americans do not support the agendas of these fringe groups, whose excesses have been well-documented over the years.

Companies that get bailed out cannot carry on as if it were business as usual. They should not grab for taxpayer dollars help with one hand and give money to these radical organizations with the other.

That is why I have introduced the Troubled Asset Relief Program Oversight Enhancement Act.

This legislation would let us see how these companies are spending their money. If they are not focused on increasing their solvency or liquidity, if they are not working on lending to small businesses and individuals, if they are not helping get this economy back on track, and are instead financing extremist organizations, then the American people need to know about it.

''Transparency'' is one of the new watchwords in Washington. Let's have some of that transparency for the sake of the American taxpayers, who deserve to see how these companies are behaving after receiving hard-earned tax dollars.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam 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:

I run a small 1-man truck brokerage business. The fuel prices are all but driving my company out of business. The quotes I receive from truckers leave little to no room for me to make a living. I have been in the transportation business for over twenty years and this is the first time I feel I will have close my company. Any assistance that can be offered to help lower fuel prices would be greatly appreciated. Also, health care needs a serious reform. For the first time in my adult life, my insurance premiums exceed my home mortgage payment. If all this keeps up, I will be forced to choose between my home and my insurance. My vote this next election depends on who is willing to actually help with these issues. Something must change soon or millions of Americans will be in financial trouble.

RANDY.

We need to let technology repair this gas war. It has been said that necessity is the mother of invention. We need to loosen up on new oil well drilling and other forms of energy. The communities that have the wind turbines and oil wells should have cheaper power and fuel. It really eats at Idahoans in Idaho Falls to have wind turbines in our yards and not reap the benefits. We need a few nuclear reactors making energy and ethanol. We need to remove fields from CRP and give farmers incentives to plant. We need technology to invent better engines that use higher blends of ethanol and less oil-based fuels. In the meantime, record numbers of Americans are going to go broke. I personally have cut back my driving by half.

TODD, *Idaho Falls*.

The president needs to overturn the executive order not to develop natural energy resources. [Conservatives] need to be hollering to anyone who will listen that we need oil, natural gas, coal production and nuclear power plants. Americans are not against alternative energy, but let us develop it before we shut off the oil spigot. The Green movement is whispering in the ears of the [liberals] and they have no choice but to be against developing our petroleum resources. Believe me, [liberals] drive as much as I do and are as mad. Help us go forward. There needs to be leadership in D.C., let [liberals] keep saying no to oil, they will cut their own throat. If nothing is done, 1861 is around the corner. T

WADE.

Thank you for working hard for us in Idaho. I am a 64 year old man, disabled and on SSA. I have a wife and a 14-year-old son. I live 50 miles from the nearest place where I can shop for food and supplies. I use to go to town once a month. Now I have to try to make my supplies last me a lot longer. Since the price of gas has gone so high, I have a lot less money to buy food after I fill my truck with gas. I go nowhere else except to the doctor.

Congress talks about everyone conserving and using less, but how much less do you intend for us to conserve. We could go back to the 18th century and become a Third World country, but that seems a little bleak, does not it! I do not understand why our Congressmen are working so hard to make it a reality.

Congress also tells us to use alternative sources of energy, but there are no sources available, affordable, or viable. Congress is making laws to force us to use energy sources that have not been invented yet (just talked about) or have not been perfected.

Please weigh the consequences of your actions. The quality of life and the security of America are at stake. Please tell your fellow Congressmen to do what is best for our survival and our way of life.

JIM.

We can all say our woes, and how much it cost, but we have to keep going. What I do not get it, why are we not using our own resources? Why are we not becoming self sufficient. If we are ever under attack, I ask you, who will come to our aid? Exactly—no one!

We need to pull back to the basics here. We are fighting terrorist, as rightly we should. But, they cannot just hurt us with guns and bombs. They can infect our food we receive from overseas, send disease, and undermine our food sources, our fuel sources. This does not take a rocket scientist to figure out. I am just a wife, mother, grandmother working her everyday job and I can see the light.

America needs to wake up before we are in worse shape than we are now. We send so much overseas. Send them the knowledge to care for themselves. We import so much; why-I have no idea. Wonder why we have so many out-of-work people. We do nothing but outsource everything and take away from our own American families. And why?

I have lived in Nebraska and Kansas; I see oil pumps standing still. Can you please explain why that is? I see no reason. Please, this is your country going down the tubes and no one is going to save it but us.

CINDY.

Thank you for the opportunity to express my thoughts on the current gasoline price/oil price fiasco. As an retiree in the state of Idaho, I have a fixed income. It is not quite to the point of ''gas or food,'' but could be soon under the current trend. We have significantly altered the way we live.

Some people have said how much it now costs them to go to the coast. We cannot afford to go to the coast as much as I would like to see family and do some chartered fishing. We carefully evaluate local trips to see if they are truly necessary, and attendance at many events within a couple hours drive is eliminated. The cost of oil is tied to most things for transportation, extraction/harvesting and processing. That results in less we can buy as the cost goes up.

It seems we are unofficially under ''economic sanctions'' by OPEC.'' Under a pure supply and demand situation, we should see the price of oil/gasoline drop when the demand drops. Lately when we drop our demand for oil, the OPEC scales back oil production-keeping the supply low to keep the demand up and the prices high. This is basically declaring economic war on the world in general, and the US in particular. We need to increase our production to override some of this manipulation of our economy. It is time to remove the restrictions on energy development from oil shale.

The argument that oil companies have ''lots of unused land they have leases on'' is an argument from someone with no idea of how the system works. The companies lease the land to explore and then develop when it is profitable. The oil companies know the potential of lands under their leases by geologic maps and test drilling, and for many areas the time/price is not right for extraction of that oil to be profitable. On other acres under lease there may be no oil at all!

Oil speculation is another issue that keeps us on high alert. I understand the rules have been changed to allow wild speculation without controls. It is time for the US to become energy self-sufficient, including the use of our own oil, wind and other resources.

JAMES, *Boise*.

So, how are gas prices affecting us? Not much. You see, we have always considered it a civic duty to try and limit our use of our natural resources. We drive modest, fuel-efficient cars. We choose to live in an area that allows us options to use alternate transportation such as bicycles, public transport, and walking. I am not writing this to be smug. My point is that citizens can, and should, take measures to reduce their use of fossil fuels. Nowhere in the Constitution does it guarantee cheap gas.

Just as I think the citizens have a duty to limit their use of natural resources, I think our political leaders need to make the tough call and instead of reading melodramatic letters about someone not being able visit their dying relative, explain to them that the days of cheap gas are gone and we need to invest in public transport and more fuel efficient vehicles. The drumbeat for more drilling is not the answer either. Our political leaders are doing a disservice to us by bringing up the issue. We need to wean ourselves from our reliance on oil and not add to it.

Boise is a great city and could be a leader in innovative alternatives to gas guzzling vehicles caught in gridlock. It will take strong political will and citizens ready to do their civic duty to their neighbors and their children.

TIM, *Boise*.

If we would drill for our own oil instead of allowing our enemies drill for our oil it would make a big difference. Another thought that might help would be to at least limit the amount of refined oil that leaves our country and keep it here it would also make a big difference.

BOB and CINDY.

Thank you for the opportunity to speak out. I have lived in Idaho Falls my whole life. I am a father of three, married, and have a modest home. Over the past five years, my wife and I have made it our goal to get out of debt, pay off our home early, and save for retirement. I am sure you have heard similar stories before. I am an average guy, with an average income, with an average house.

In order to put things into perspective, I would like to go back to December 2002. Gas prices at that time were $1.30 per gallon give or take a few cents. In 2003, they rose to $1.80. By 2004, they rose again to nearly $2.00 per gallon. In 2005 we saw prices hit $2.50 mark and above. By 2006, Idahoans were paying $3.00 and above for a gallon of gas. As 2007 approached, gas prices were in the $3.50 range. As we approach the mid-point of summer 2008, a gallon of fuel is now at the $4.00 mark for regular. I might add here that gas is typically cheaper as winter approaches and demands for fuel are not as great. So these figures are just representative numbers at a glance.

As you can see, a gallon of gas has tripled in price since 2002. If you were to look at historical data, you would find that gasoline

prices were stable from about 1985 through most of 2002. For about 17 years, Americans enjoyed what I would consider a fair price for a gallon of gas. I did some research on current gas prices in Iran and Iraq.

Currently Iran pays 5 cents per liter and Iraq pay 8 cents per liter. If you were to convert liters to gallons, it would take 3.78 liters per gallon. If you were to buy 4 liters of gas (over a gallon), it would cost 20 cents in Iran, 32 cents in Iraq. See link for pricing http://www.nationmaster.com/red/graph/ene__gas__pri-energy-gasoline-prices&b__desc=1. I could go on, but you get the point. Oil being produced by these countries is reaping the benefit of cheaper prices.

I must digress a moment. I now need to complain. Remember, I am the average guy with the average income. I would like to talk about how rising fuel prices have affected my family. As fuel prices rise, so have other commodities. Produce, meats, poultry, grains, and dairy have all spiked in the last year. Consumer goods and durables have also risen. The past three years have been very difficult to stay on a budget since gas prices have raised so dramatically. Our family is committed to stay out of consumer debt. We have no credit cards nor do we have any store credit that we borrow from. Both of the vehicles we own are pre-2000 year models. We do not overspend what we make but we feel the crunch and feel that we make less money now than when we did four years ago. The dollar just does not stretch enough these days. It is frustrating and depressing as we budget our money each month down to the penny.

Now that I have got that off my chest, what is the solution? I firmly believe that America has the technology now to manufacture and make our own fuels. There are many alternative fuels out there that can and already have been developed. Grain alcohol is viable. Continued exploration of fossil fuels is also very important. Alternative energy sources need to be used more. Wind Power in south east Idaho needs to be tapped. Solar energy is another avenue. Electric cars are also viable and cheaper to drive and cleaner than any gas engine. Countries that manufacture their own fuels always pay less at the pump. Why cannot we do the same? Another idea is to offer incentives to states to develop, manufacture, and sell the cheapest (and best) fuels. Regardless of what people think, nuclear power is one of the cheapest and cleanest sources of power on the planet. There are many countries that use nuclear power (Japan) and have for many years without mishap. We need to move forward start implementing existing technology that is proven to work.

Again, my ideas are not new. This technology is here now. It has been developed. We just need to implement it. Thank you for your time and hope this letter reaches you in good health. I think you are doing a super job for us in the Senate.

MARK, *Idaho Falls.*

I would like to see the speed limit reduced to 55 mph. Everybody knows how that would benefit energy and lives. The 75 mph speed limit between Boise and Mountain Home should be the first one reduced. Then cut the 65 mph between Boise and Mc Call. (and right up the line)

DONABETH, *Boise.*

I am 63 years old and last year, right before the prices went out of control, already had purchased an electric bike to use to get to work. Fortunately I only live a little over a mile away and can use this bike that goes 15 miles an hour. My determination to ride this bike increased as the hot days turned into colder ones and I was able to ride my bike through November so I would not have to fill the pick-up with gas too much. Government wants us to recycle to help environment and I am all for it, but when we try to do our part, we do not get any help in return. If you do get an electric car which no one can afford but the wealthy.

I see my single parent daughter trying to commute and make ends meet and it gets increasingly difficult because with gas prices she goes with less food for family, etc.

I think it is outrageous for our country and politicians to allow these price increases when we have the means to take care of this country. 20 years ago they spoke of getting alternatives and did not push this issue and had they done so much more could have been done. I am afraid that before long we will see violence in this country mainly because our jobs are gone, price increases in every area of products, but no one ever increases the wages to meet the demands of other increase. What is the matter with people in government and businesses?

I do not like to see government control but because our business people will not use common sense to see what happens when the jobs go there is not sufficient jobs to go and buy the products. What is wrong with this picture? We need to start taxing products from overseas that come here so business's will come back to the states and put our people back to work. How sad our government has deserted their own people.

I am hoping with all my heart that someone will step up to the plate and really try to make a difference. We have to do something as everything is getting out of control and it is sad because of what our forefathers have tried to do before us to make it a great country. I am angry and I do not like politics but when I see people trying to do well for their families and that means is taken away from them someone needs to speak up.

DEVERA, *Nampa.*

Many of our family members are opting out of a treasured activity this summer because of the fuel prices: we normally have a family reunion (as everyone is all over the place) and meet each other and catch up. Many aren't coming because as they said, ''I just cannot afford to pay the gas to drive there and plane tickets are just as expensive.'' My sister and I would not think twice normally about taking a drive down to our relatives or drive to get to our vacation spot, but now we are rethinking going on vacation at all. My family and I have also started buying online because it is cheaper than driving around town to find what we need. We have also cut down our ''dining out'' to practically once every two months (if that). If the local businesses aren't feeling the consequences of that, I'll be surprised because my family is not the only one that is doing it.

We aren't getting as much fresh produce in our diets this year because they just cost too much (the grocer claims that the fuel prices are affecting the food prices). This also makes us buy less food and the cheaper brands. I have even caught myself of suspecting the grocer and the gas station manager of glutting themselves by gouging us with the ''it is OPEC's fault you pay so much'' (and these people are my neighbors, which makes me feel a little ashamed of myself).

All of this is only the parts of my life where I have seen the biggest impact. I really cannot think of many aspects in my life that have not been affected by the fuel hikes. Hope this enlightens you to the trials of at least one voter.

JEORGETTE.

I do not have much of a different story than many other Idahoans. I work hard each day 11 to 12 hours. I live in a rural area of Canyon County, so ride-sharing or carpooling is not a viable option for me. I have to drive 18 miles to work so riding a bike is not an option especially after putting in a 12 hour day. I drive a small pick up Chevy S–10 to help reduce my gas usage, my wife in I traded in our ford tarsus for a KIA Spectra last November to help save money and protect our budget of the current (November 07) high gas prices.

What I can say is that the only way out of our current situation is for our Congress to show OPEC, that we are willing to take back control of our oil dependence.

ROBERT.

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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTICE RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF ZIMBABWE AND OTHER PERSONS TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2009.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions

has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *March 3, 2009*.

TRANSMITTING CERTIFICATION THAT THE EXPORT OF TWO ENVIRONMENTAL CHAMBERS TO BE USED TO TEST AUTOMOTIVE PARTS IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY AND WILL NOT MEASURABLY IMPROVE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify to the Congress that the export of two environmental chambers to be used to test automotive parts is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from this export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.

THE WHITE HOUSE, *March 3, 2009*.

MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 146. An act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

H.R. 548. An act to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 548. An act to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 146. An act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–871. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorothalonil; Pesticide Tolerances'' (FRL-8402-7) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–872. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethomorph; Pesticide Tolerances'' (FRL-8401-6) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–873. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Famoxadone; Pesticide Tolerances'' (FRL-8400-9) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–874. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazifop-P-butyl; Pesticide Tolerances'' (FRL-8401-1) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–875. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propoxycarbazone; Pesticide Tolerances'' (FRL-8400-4) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–876. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebuconazole; Pesticide Tolerance'' (FRL-8399-3) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–877. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fruit, Vegetable, and Specialty Crops—Import Regulations; Proposed Revision to Reporting Requirements'' ((Docket No. AMS-FV-07-0110)(FV07-944/980/999-1 FR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–878. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Relaxation of Handling and Import Regulations'' ((Docket No. AMS-FV-08-0036)(FV08-946-1 FIR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–879. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches'' ((Docket No. AMS-FV-08-0108)(FV09-916/917-1 IFR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–880. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' ((Docket No. AMS-FV-08-0105)(FV09-932-1 IFR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–881. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate'' ((Docket No. AMS-FV-08-0107)(FV09-925-2 IFR)) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–882. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2008–2009 Crop Year for Tart Cherries'' ((Docket No. AMS-FV-08-0089)(FV09-930-1 FR)) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–883. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Proceedings Before the Commodity Futures Trading Commission'' (RIN3038-AC50) received in the Office of the President of the Senate on March 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–884. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2008 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC–885. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to overseas ship repairs; to the Committee on Armed Services.

EC–886. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program; to the Committee on Armed Services.

EC–887. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting, pursuant to law, a notice of additional time required to complete a report relative to recruiting incentives; to the Committee on Armed Services.

EC–888. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General James N. Soligan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–889. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report on the actions taken by the Commission relative to the Fair Debt Collection Practices Act during fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–890. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–891. A communication from the Secretary, Office of the General Counsel, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Adjustments to Civil Monetary Penalty Amounts'' (17 CFR Part 201) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–892. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Indianapolis, Indiana'' (MB Docket No. 08-122) received in the Office of the President of the Senate on March 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–893. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the DTV Delay Act'' (FCC 09-11) received in the Office of the President of the Senate on March 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–894. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle program for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC–895. 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; Hawaii; Correction'' (FRL-8771-1) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Environment and Public Works.

EC–896. 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; State of California; 2003 State Strategy and 2003 South Coast Plan for One-Hour Ozone and Nitrogen Dioxide'' (FRL-8770-1) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Environment and Public Works.

EC–897. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards; Supplemental Delegation of Authority to the State of Wyoming'' (FRL-8770-2) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Environment and Public Works.

EC–898. A communication from the Acting United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2009 Trade Policy Agenda and 2008 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC–899. 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 ''Safe Harbors for Sections 143 and 25'' (Rev. Proc. 2009-18) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Finance.

EC–900. 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 ''Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities IRC Section 41—Revised Exhibit C'' (LMSB-4-0209-008) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Finance.

EC–901. 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 ''Tier I Issue Foreign Tax Credit Generator Directive—Revision 1'' (LMSB-04-0109-002) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Finance.

EC–902. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to Iraq for the period of December 15, 2008, through February 15, 2009; to the Committee on Foreign Relations.

EC–903. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0020—2009-0027); to the Committee on Foreign Relations.

EC–904. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities during fiscal year 2008; to the Committee on Energy and Natural Resources.

EC–905. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Institutional Review Boards; Registration Requirements'' (RIN0910-AB88) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–906. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report for calendar year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–907. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Fiscal Year 2008 Report to Congress on Implementation of The Federal Information Security Management Act of 2002''; to the Committee on Homeland Security and Governmental Affairs.

EC–908. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act; to the Committee on the Judiciary.

EC–909. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Oklahoma Advisory Committee; to the Committee on the Judiciary.

EC–910. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Mississippi Advisory Committee; to the Committee on the Judiciary.

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. MURKOWSKI (for herself and Mr. BEGICH):

S. 522. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mrs. FEINSTEIN):

S. 523. A bill to amend the Energy Policy Act of 2005 to establish pilot project offices to improve Federal permit coordination for renewable energy; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 524. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. BINGAMAN, Ms. COLLINS, Mr. DURBIN, Mr. NELSON of Florida, Mr. KOHL, Mr. LEVIN, Mr. LEAHY, Mr. SANDERS, Mr. KERRY, Mr. BROWN, Mr. FEINGOLD, Mr. JOHNSON, Mr. INOUYE, Mr. TESTER, Mr. CASEY, Mrs. MCCASKILL, Mr. THUNE, Mr. BEGICH, and Mrs. SHAHEEN):

S. 525. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 526. A bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MCCASKILL (for herself and Mr. UDALL of Colorado):

S. Res. 63. A resolution to amend the Standing Rules of the Senate to ensure that all congressionally directed spending items in appropriations and authorization legislation fall under the oversight and transparency provisions of S. 1, the Honest Leadership and Open Government Act of 2007; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself and Mr. CARPER):

S. Res. 64. A resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 295

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 295, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of the Medicare program through measurement of readmission rates and resource use and to develop a pilot program to provide episodic payments to organized groups of multispecialty and multilevel providers of services and suppliers for hospitalization episodes associated with select, high cost diagnoses.

S. 330

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 330, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 388

At the request of Ms. MIKULSKI, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. ISAKSON) 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. 422

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 473

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 506

At the request of Mr. LEVIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 506, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 510

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

AMENDMENT NO. 607

At the request of Mr. WICKER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 607 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 615

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 615 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 622

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 622 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 638

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 638 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 522. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to speak to a bill that I am introducing today to resolve a land conveyance dispute in Northwest Alaska, the Salmon Lake Land Selection Resolution Act.

Shortly after Alaska became a State in 1959, Alaska selected lands near Salmon Lake, a major fishery resource in the Bering Straits Region of Northwest Alaska. In 1971, Congress passed the Alaska Native Claims Settlement Act to resolve aboriginal land claims throughout the 49th State. In that act Congress created 12 regional Native corporations in state, providing the corporations with $966 million and the right to select 44 million acres of land in return for giving up claims to their traditional lands in Alaska. The land and money was to go to make the corporations profitable to provide benefits to their shareholders, the native inhabitants of Alaska. The Bering Straits Native Corporation, one of those 12 regional corporations, promptly selected lands in the Salmon Lake region overlapping state selections, because the lake and the waters upstream and downstream from the lake spawn and

contain fisheries resources of significance to Alaska Natives and also offer land suitable for a variety of recreational activities.

For the past 38 years there have been conflicts over the conveyances, delaying land from going to the corporation, harming the economic and cultural benefits of the corporation to Native shareholders, and complicating land and wildlife management issues between federal agencies and the State of Alaska. Starting in 1994, but accelerating in 1997, talks began among the State, Federal agencies and native corporations and towns in the region, located north of Nome—Salmon Lake itself is located 38 miles north of Nome—to reach a consensus on land uses in the region. Those talks reached agreement on June 1, 2007 with a resolution that satisfied all parties. This seemingly non-controversial legislation will implement the new land management regime in the area and finally complete the conveyance of ANCSA lands to the Bering Straits Native Corporation—giving the corporation title after surveys to the last of the 145,728 acres it was promised by Section 14 (h)(8) of ANCSA nearly four decades ago.

By this bill the Corporation will gain conveyance to 1,009 acres in the Salmon Lake area, 6,132 acres at Windy Cove, northwest of Salmon Lake, and 7,504 acres at Imuruk Basin, on the north shore of Imuruk Basin, a water body north of Windy Cove. In return the Corporation relinquishes rights to another 3,084 acres at Salmon Lake to the federal government, the government then giving part of the land to the State of Alaska for it to maintain a key airstrip in the area. The Federal Bureau of Land Management also retains ownership and administration of a 9–acre campground at the outlet of Salmon Lake, which provides road accessible public camping opportunities from the Nome-Teller Highway. The agreement also retains public access to BLM managed lands in the Kigluaik Mountain Range.

The bill fully protects recreation and subsistence uses in the area, while providing the Corporation with access to recreational-tourism sites of importance to its shareholders and which might some day produce revenues for the Corporation. The agreement has prompted no known environmental group concerns and seems to be the classic ''win-win-win'' solution that all sides should be congratulated for crafting. The key, however, is for Congress to ratify the land conveyance changes by 2011, when the agreement ratification window closes.

Passage of this act is certainly in keeping with the spirit of the Alaska Lands Conveyance Acceleration Act that this body passed 5 years ago that was intended to help settle all outstanding land conveyance issues by 2009—the 50th anniversary of Alaska statehood. In Alaska where controversy abounds over land use, this is a hard-fought compromise agreement that seemingly satisfies all parties and makes good sense for all concerned. I hope this body can ratify this bill swiftly and move it to the House of Representatives for its concurrence and eventual signing by the President. The bill is important for residents of Nome who utilize the area and for all Alaska Natives who live in the Bering Straits Region.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 524. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

Mr. FEINGOLD. Mr. President, I am pleased to once again offer this measure, the Congressional Accountability and Line-Item Veto Act of 2009 with my colleague from Wisconsin, the Ranking Member of the House Budget Committee, Congressman PAUL RYAN. I have worked with Congressman RYAN on this issue for the last two years. He and I belong to different political parties, and differ on many issues. But we do share at least two things in common—our hometown of Janesville, WI, and an abiding respect for Wisconsin's tradition of fiscal responsibility.

I am also delighted to be joined by my colleague, the senior Senator from Arizona, Mr. MCCAIN, in introducing the Congressional Accountability and Line-Item Veto Act of 2009. Senator MCCAIN has been one of the preeminent champions of earmark reform, and I have been pleased to work with him in fighting this abuse over the last two decades.

The measure we are each introducing today would grant the President specific authority to rescind or cancel congressional earmarks, including earmarked spending, tax breaks, and tariff benefits. This new authority would sunset at the end of 2014, ensuring that Congress will have a chance to review its use in two different presidential terms before considering whether or not to extend it. While not a true line-item veto bill, our measure provides for fast-track consideration of the President's proposed cancellation of earmarks. Thus, unlike current law, it ensures that for the specific category of congressional earmarks, the President will get an up or down vote on his proposed cancellations.

There have been a number of so-called line-item veto proposals offered in the past several years. But the measure we propose today is unique in that it specifically targets the very items that every line-item veto proponent cites when promoting a particular measure, namely earmarks. When President Bush asked for this kind of authority, the examples he gave when citing wasteful spending he wanted to target were congressional earmarks.

When Members of the House or Senate tout a new line-item veto authority to go after government waste, the examples they give are congressional earmarks. When editorial pages argue for a new line-item veto, they, too, cite congressional earmarks as the reason for granting the President this new authority.

That is exactly what our bill does. It provides the President with new expedited rescission authority—what has been commonly referred to as a line-item veto—to cancel congressional earmarks. The definitions of earmarks that we use are the very definitions upon which each house has agreed in passing the Honest Leadership and Open Government Act in the 110th Congress.

Unauthorized congressional earmarks are a serious problem. By one estimate, in 2004 alone more than $50 billion in earmarks were passed. While some in Congress may wish to dismiss this issue, this year a single bill, the omnibus appropriations bill we are considering in the Senate, has by one count over eight thousand earmarks that cost over $7 billion. That is just one bill. We haven't even begun the appropriations process for the coming i cal year.

There is no excuse for a system that allows that kind of wasteful spending year after year, and while I have opposed granting the President line-item veto authority to effectively reshape programs like Medicare and Medicaid, for this specific category, I support giving the President this additional tool.

Under our proposal, wasteful spending does not have anywhere to hide. It is out in the open, so that both Congress and the President have a chance to get rid of wasteful projects before they begin.

The taxpayers—who pay the price for these projects—deserve a process that shows some real fiscal discipline, and that's what we are trying to get at with this legislation.

President Obama recognizes the pernicious effect earmarks have on the entire process. When he asked Congress to take the extraordinary step of sending him a massive economic recovery package, he knew such a large package of spending and tax cuts would naturally attract earmarks. He also recognized that were earmarks to be added to the bill, it would undermine his ability to get it enacted, so he rightly insisted it be free of earmarks.

I was pleased to hear reports that President Obama looks forward to giving the line item veto a ''test drive.'' I very much hope that with this bill we can give him that opportunity.

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. 524

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 ''Congressional Accountability and Line-Item Veto Act of 2009''.

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

''PART B—LEGISLATIVE LINE-ITEM VETO

''LINE ITEM VETO AUTHORITY

''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 30 calendar days after the enactment of any bill or joint resolution containing any congressional earmark or providing any limited tariff benefit or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the repeal of the congressional earmark or the cancellation of any limited tariff benefit or targeted tax benefit. If the 30 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of Congress or for a period greater than 30 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to repeal any congressional earmarks or to cancel any limited tariff benefits or targeted tax benefits.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the congressional earmarks, limited tariff benefits, or targeted tax benefits to be repealed or canceled—

''(i) the congressional earmark that the President proposes to repeal or the limited tariff benefit or the targeted tax benefit that the President proposes be canceled;

''(ii) the specific project or governmental functions involved;

''(iii) the reasons why such congressional earmark should be repealed or such limited tariff benefit or targeted tax benefit should be canceled;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed repeal or cancellation;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed repeal or cancellation and the decision to propose the repeal or cancellation, and the estimated effect of the proposed repeal or cancellation upon the objects, purposes, or programs for which the congressional earmark, limited tariff benefit, or the targeted tax benefit is provided;

''(vi) a numbered list of repeals and cancellations to be included in an approval bill that, if enacted, would repeal congressional earmarks and cancel limited tariff benefits or targeted tax benefits proposed in that special message; and

''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed repeals or cancellations are not substantially similar to any other proposed repeal or cancellation in such other message.

''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to repeal or cancel the same or substantially similar congressional earmark, limited tariff benefit, or targeted tax benefit more than one time under this Act.

''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 2 special messages for any omnibus budget reconciliation or appropriation measure.

''(2) ENACTMENT OF APPROVAL BILL.—

''(A) DEFICIT REDUCTION.—Congressional earmarks, limited tariff benefits, or targeted tax benefits which are repealed or canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

''PROCEDURES FOR EXPEDITED CONSIDERATION

''SEC. 1012. (a) EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

''(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

''(3) CONSIDERATION IN THE SENATE.—

''(A) REFERRAL AND REPORTING.—Any committee of the Senate to which an approval bill is referred shall report it to the Senate without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

''(B) MOTION TO PROCEED TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the Senate. A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to a vote under subparagraph (C), then the Senate may consider, and the vote under subparagraph (C) may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to subparagraph (C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section

shall be in order in either the Senate or the House of Representatives.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD CONGRESSIONAL EARMARKS.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any congressional earmark to be repealed in that special message shall not be made available for obligation for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall make any congressional earmark deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A LIMITED TARIFF BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any limited tariff benefit proposed to be canceled in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any limited tariff benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''IDENTIFICATION OF TARGETED TAX BENEFITS

''SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the 'chairmen') shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

''(b) STATEMENT INCLUDED IN LEGISLATION.—

''(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

''(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: 'Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall _____ apply to _____.', with the blank spaces being filled in with—

''(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word 'only' in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

''(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word 'not' in the first blank space and the phrase 'any provision of this Act' in the second blank space.

''(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

''(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

''(2) in the case of a statement described in 13 subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

''(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

''(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

''(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

''TREATMENT OF CANCELLATIONS

''SEC. 1015. The repeal of any congressional earmark or cancellation of any limited tariff benefit or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed repeals and cancellations contained in that bill shall be null and void and any such congressional earmark, limited tariff benefit, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed repeals or cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any congressional earmark is not repealed or limited tariff benefit or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1017. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed repeals of congressional earmarks or cancellations of limited tariff benefits or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed repeals and cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed repeals and cancellations _____', the blank space being filled in with a list of the repeals and cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed repeals and cancellations that are estimated by CBO to meet the definition of congressional earmark or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014; and

''(E) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

''(A) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

''(B) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

''(6) CONGRESSIONAL EARMARK.—The term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

''(7) ENTITY.—As used in paragraph (6), the term 'entity' includes a private business, State, territory or locality, or Federal entity.

''(8) LIMITED TARIFF BENEFIT.—The term 'limited tariff benefit' means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

''(9) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

''(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term 'omnibus reconciliation or appropriation measure' means—

''(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

''(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

''(11) TARGETED TAX BENEFIT.—The term 'targeted tax benefit' means—

''(A) any revenue provision that—

''(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

''(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

''EXPIRATION

''SEC. 1018. This title shall have no force or effect on or after December 31, 2014''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''1017'' and inserting ''1012''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting ''(a)'' after ''402.'' and by adding at the end the following new subsection:

''(b) Upon the receipt of a special message under section 1011 proposing to repeal any congressional earmark, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed repeal relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.''.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended is amended by striking ''rescinded or that is to be reserved'' and insert ''canceled'' and by striking ''1012'' and inserting ''1011''.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

''PART B—LEGISLATIVE LINE-ITEM VETO

''Sec. 1011. Line item veto authority.
''Sec. 1012. Procedures for expedited consideration.
''Sec. 1013. Presidential deferral authority.
''Sec. 1014. Identification of targeted tax benefits.
''Sec. 1015. Treatment of cancellations.
''Sec. 1016. Reports by comptroller general.
''Sec. 1017. Definitions.
''Sec. 1018. Expiration.
''Sec. 1019. Suits by Comptroller General.
''Sec. 1020. Proposed Deferrals of budget authority.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any congressional earmark, limited tariff benefit, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED REPEALS AND CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed repeal or cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

Mr. MCCAIN. Mr. President, I am honored to once again be joining my friend, colleague, and partner in reform, Senator FEINGOLD, in introducing the Congressional Accountability and Line-Item Veto Act. Additionally, I would like to thank Republican PAUL RYAN from Wisconsin for introducing this legislation in the House of Representatives. I applaud my two colleagues from Wisconsin for their leadership on this important issue.

Our bill does a number of things. First, it provides the President with a constitutional line item veto authority. This legislation would ensure timely consideration of earmark rescission requests by the President, which must be submitted to Congress within 30 calendar days of signing a bill into law. It gives the House and Senate 12 legislative days to act after the President sends a rescission. It respects and preserves Congress's constitutional responsibilities, as it requires both the House and Senate to pass a rescission request before it can become law. This bill limits the number of rescission requests per bill to guard against gridlock in Congress due to multiple rescission proposals. Finally, it sunsets at the end of 2014 in order to review how the authority is working after the administration has had the opportunity to work with Congress to employ this tool to control spending and to determine if it should be renewed.

Why do we need to grant the President a line-item veto authority? Currently the Senate is debating a pork-filled $410 billion, 2,967 page Omnibus appropriations bill to fund the Federal Government through the second half of the fiscal year. Not surprising, the measure is chock full of over 9,000 unnecessary and wasteful earmarks. We need serious reform and we need it now—this Omnibus appropriations bill is a perfect example of what is wrong with this system.

Here are some examples of the earmarks contained in the omnibus legislation:

$1.7 million for pig odor research in Iowa; $2 million for the promotion of astronomy in Hawaii; $6.6 million for termite research in New Orleans; $2.1 million for the Center for Grape Genetics in New York; $650,000 for beaver management in North Carolina and Mississippi; $1 million for mormon cricket control in Utah; $332,000 for the design and construction of a school sidewalk in Franklin, Texas; $870,000 for a wolf breeding facilities in North Carolina and Washington, $300,000 for the Montana World Trade Center; $1.7M ''for a honey bee factory'' in Weslaco, TX; $951,500 for Sustainable Las Vegas; $143,000 for Nevada Humanities to develop and expand an online encyclopedia; $475,000 to build a parking garage in Provo City, Utah; $200,000 for a tattoo removal violence outreach program in the LA area; $238,000 for the Polynesian Voyaging Society in Honolulu, Hawaii; $100,000 for the regional robotics training center in Union, SC; $1,427,250 for genetic improvements of switchgrass; $167,000 for the Autry National Center for the American West in Los Angeles, CA; $143,000 to teach art energy; $100,000 for the Central Nebraska World Trade Center; $951,500 for the Oregon Solar Highway; $819,000 for catfish genetics research in Alabama; $190,000 for the Buffalo Bill Historical Center in Cody, WY; $209,000 to improve blueberry production and efficiency in GA; $400,000 for copper wire theft prevention efforts; $250,000 to enhance research on Ice Seal populations; $238,000 for the Alaska PTA; $150,000 for a rodeo museum in South Dakota; $47,500 to remodel and expand a playground in Ottawa, IL; $285,000 for the Discovery Center of Idaho in Boise, ID; $632,000 for the Hungry Horse Project; $380,000 for a recreation and fairground area in Kotzebue, AK; $118,750 for a building to house an aircraft display in Rantoul, IL; $380,000 to revitalize downtown Aliceville, AL; $380,000 for lighthouses in Maine; $190,000 to build a Living Science Museum in New Orleans, LA; $7,100,000 for the conservation and recovery of endangered Hawaiian sea turtle populations; $900,000 for fish management; $150,000 for lobster research; $381,000 for Jazz at Lincoln Center, New York; $1.9 million for the Pleasure Beach Water Taxi Service Project, CT; $238,000 for Pittsburgh Symphony Orchestra for curriculum development; $95,000 for Hawaii Public Radio; $95,000 for the state of New Mexico to find a dental school location; $143,000 for the Dayton Society of Natural History in Dayton, OH; $190,000 for the Guam Public Library; $143,000 for the Historic Jazz Foundation in Kansas City, MO; $3,806,000 for a Sun Grant Initiative in South Dakota; $59,000 for Dismal Swamp and Dismal Swamp Canal in Virginia; and $950,000 for a Convention Center in Myrtle Beach, SC;

This waste is outrageous, and the President should veto this omnibus spending bill. The process is clearly broken, and the American public deserves better.

We need to curtail earmarks, not just disclose them. Again, the examples I have just mentioned are earmarks that are among the over 9,000 contained in the omnibus legislation currently

being considered in the Senate—so it is clear that the lobbying and ethics reform bill that was enacted in August 2007 has done nothing to curb this process—even though it continues to be touted for its ''tough'' and ''historic'' earmark reform provisions.

Perhaps even more troubling than the number of earmarks is to whom and how some of this funding is being directed. Contained within the Omnibus appropriations legislation are 14 earmarks, totaling nearly $9.7 million, directed to clients of the PMA Group, a lobbying firm recently forced to close their doors after being raided last November by the FBI for suspicious campaign donation practices. That firm remains under investigation today. I have long spoken of a broken appropriations process, vulnerable to corruption and abuse, and the allegations against the PMA Group and some Members of Congress stand as a testament to the urgent need for reform. It is wholly inappropriate for Congress to allow these provisions to move forward while their principal sponsor is under Federal investigation. Together with my colleague from Oklahoma, Dr. COBURN, we offered an amendment to strip these earmarks from the omnibus. If our amendment fails we will effectively be giving our tacit approval to the abuses we have repeatedly declared our intention to eliminate.

Six months ago, in a debate in Oxford, MS, President Obama stated that ''We need earmark reform, and when I'm president, I will go line by line to make sure that we are not spending money unwisely.'' I fully agree. All one needs to do is read the Omnibus appropriations bill pending before the Senate to know that we need serious, comprehensive earmark reform and we need to grant the President a constitutional line-item veto authority so that he can go line by line through these bloated, earmark filled appropriations bills and send rescission requests to Congress.

Our current economic situation and our vital national security concerns require that now, more than ever, we prioritize our Federal spending. But our appropriations bills do not always put our national priorities first. The process is broken and it needs to be fixed. We have entered the second year of a recession. Record numbers of homeowners face foreclosure. The national unemployment rate stands at 7.2%—the highest in 16 years—with over 1.9 million people having lost their jobs in the last 4 months of 2008. Additionally, we learned just Friday that the GDP sank 6.2 percent in the last quarter of 2008—far worse even than what was expected—with the economy contracting by the fastest pace in a quarter century.

Even when faced with these tremendous difficulties, Congress's appetite for pork seems bigger than ever. When are people going to wake up and truly grasp the seriousness of the economic situation confronting us? We cannot afford, literally, to continue to operate under the same Washington status quo.

Let's consider some cold, hard facts: current national debt: $10.7 trillion; 2009 projected deficit: $1.2 trillion; total cost of the economic stimulus enacted two weeks ago: $1.124 trillion; ($789 billion plus interest; TARP I and II: $700 billion; TARP III: $250 billion–$750 billion, or more; President's Budget Request for 2010: $3.6 trillion.

I was encouraged in January 2007 when the Senate passed, by a vote of 96 to 2, an ethics and lobbying reform package which contained real, meaningful earmark reforms. I thought that, at last, we would finally enact some effective reforms. Unfortunately, that victory was short lived. In August 2007, we were presented with a bill containing very watered down earmark provisions and doing far too little to rein in wasteful earmarks and porkbarrel spending. We can change that and enact reforms that will help to restore the faith and confidence of the American people in their elected representatives—and passing this bill should be the first step we take.

Again, the bill we are introducing today will ensure timely congressional consideration of earmark rescission requests by the President. This will enable the President to propose the removal of wasteful earmarks from legislation that arrives on his desk for signature and send these earmarks back to Congress for expedited votes on whether or not to rescind funding; give the House and Senate 12 legislative days after the President sends a rescission request to Congress to bring a rescission bill to consideration on the floor of the full House and Senate; respect and preserve Congress's constitutional responsibilities, as it requires both the House and Senate to pass a rescission request before it can become law. If either the House or Senate votes against a rescission by a simple majority, it is not enacted; require the President to submit earmark rescission requests to Congress within 30 calendar days of signing a bill into law; limit the number of rescission requests per bill, to guard against gridlock in Congress due to multiple rescission proposals. Under this legislation, the President can propose one rescission package per ordinary bill, or two rescission packages for omnibus legislation. Each rescission package may include multiple earmarks; sunset at the end of 2014, providing a President this tool to control spending over the portions of two different Presidential terms. The sunset provision would give Congress the ability to review this legislation and decide whether to renew it.

As my colleagues are well aware, for years I have been coming to the Senate floor to read list after list of the ridiculous items we have spent money on—hoping enough embarrassment might spur some change. And year after year I would offer amendment after amendment to strip porkbarrel projects from spending bills—usually only getting a handful of votes each time. Earmarks are like a cancer. Left unchecked, they have grown out of control. And just as cancer destroys tissue and vital organs, the corruption associated with the process of earmarking is destroying what is vital to our strength as a Nation, that is, the faith and trust of the American people in their elected representatives and in the institutions of their Government.

We must keep in mind that even strong line-item veto authority will not solve all of our fiscal problems. We also desperately need to reform our earmarking process and our lobbying practices—and we must remember that it is ultimately Congress's responsibility to control spending. However, granting the President the authority to propose rescissions that then must be approved by the Congress would go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork. I look forward to the Senate's consideration of this legislation. It is abundantly clear that the time has come for us to eliminate the corrupt, wasteful practice of earmarking.

In his final State of the Union Address, President Reagan stood for the last time before both Houses of Congress and asked for line-item veto authority for future Presidents. On that evening, the President had with him three pieces of legislation: an appropriations bill that was 1,053 pages long and weighed 14 pounds; a budget reconciliation bill that was 1,186 pages long and weighed 15 pounds; and a continuing resolution that was 1,057 pages long and weighed 14 pounds. President Reagan slammed down on the lectern the 43 pounds of paper and ink, which represented $1 trillion worth of spending. He did so to emphasize the magnitude of wasteful spending in the bills—spending that the President could not stop unless he was willing to veto each piece of legislation in its entirety. In the case of the continuing resolution, that would have meant that the Federal government would shut down.

More than 20 years later we are in exactly the same situation we were in when President Reagan said to Congress, ''Let's help ensure our future of prosperity by giving the President a tool that, though I will not get to use it, is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States: the right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.''

The time has come to heed Ronald Reagan's call for line-item veto authority.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 63—TO AMEND THE STANDING RULES OF THE SENATE TO ENSURE THAT ALL CONGRESSIONALLY DIRECTED SPENDING ITEMS IN APPROPRIATIONS AND AUTHORIZATION LEGISLATION FALL UNDER THE OVERSIGHT AND TRANSPARENCY PROVISIONS OF S. 1, THE HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Mrs. McCASKILL (for herself and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 63

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

(a) FURTHER TRANSPARENCY.—Rule XLIV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

''13.(a) All congressionally directed spending items shall be included in the text of an appropriations or authorization bill and any conference report related to that appropriations or authorization bill.

''(b) Not later than 48 hours after the request, each request for a congressionally directed spending item for an appropriations or authorization bill made by a Senator shall be posted on the Senator's web site. The posting of the request for a congressionally directed spending item shall include the name and location of the specifically intended recipient, the purpose of the congressionally directed spending item, and the dollar amount requested. If there is no specifically intended recipient, the posting shall include the intended location of the activity, the purpose of the congressionally directed spending item, and the dollar amount requested.

''(c) It shall not be in order to consider an appropriations or authorization bill, amendment, or conference report if it contains a congressionally directed spending item for a private for-profit or non profit entity.''.

(b) CLARIFYING APPLICATION TO CONFERENCE REPORTS.—Paragraph 8 of rule XLIV of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a) and inserting the following:

''(a) A Senator may raise a point of order against one or more provisions of a conference report if they constitute a congressionally directed spending item that was not included in the measure originally committed to the conferees by either House. The Presiding Officer may sustain the point of order as to some or all of the congressionally directed spending items against which the Senator raised the point of order.''; and

(2) striking subparagraph (e).

(c) REQUIRING FULL SEARCHABILITY.—Paragraph 3(a)(2) of rule XLIV of the Standing Rules of the Senate is amended by inserting ''in an searchable format'' after ''available''.

(d) SUPERMAJORITY REQUIREMENT.—Paragraph 10 of rule XLIV of the Standing Rules of the Senate is amended by striking ''or 3'' and inserting ''3, or 13''.

(e) AVAILABILITY BY THE COMMITTEE OF JURISDICTION.—Paragraph 6(b) of rule XLIV of the Standing Rules of the Senate is amended to read as follows:

''(b) With respect to each congressionally directed spending item requested by a Senator, each committee of jurisdiction shall make available for public inspection on the Internet the written statements and certifications under subparagraph (a) not later than 48 hours after receipt of such statements and certifications.''.

Mrs. McCASKILL. Mr. President, I disagree with earmarks. I disagree with the process. Although we have made great strides in reforming earmarks, I do think there are further steps we need to take.

Today, I have introduced a resolution, a Senate resolution, with the senior Senator from Colorado, Mr. UDALL, to bring even more transparency to this process. Basically, this resolution requires all requests to be posted on committee Web sites and the Member's Web site within 48 hours of request. It requires all information in the request letter be listed online, including location, purpose, and cost. This is not presently required. It requires electronically searchable text of all bills and conference reports, and it strengthens the ability to remove earmarks by a point of order.

There are some loopholes that we, I think inadvertently, created when we did S. 1 early in my first year as a Senator.

This resolution will require earmarks to be in the bill text. I discovered that there were some airdropped earmarks in a bill. Because they were in a managers' statement, the point of order was not possible. So this requires all the earmarks to be in the bill text, which will subject them to the rules. It applies the airdrop point of order to the authorization bills in addition to the appropriations bills, and it further limits earmarks to public projects only.

In this time, I do not believe we can afford to be earmarking in the private sector or anywhere other than the public sector as we struggle with our deficits and our spending.

But I really rose today not to speak so much about the resolution I have introduced today but more to speak a little bit about how confused I have been over the last few weeks by many of my friends on the other side of the aisle. While we have a lot of work to do in regard to earmarks, I congratulate my party because we have created transparency. We now know who is earmarking, and because of that we now know that earmarking has nothing to do with party. Yes, there are thousands of earmarks in this bill by Democrats, but there are thousand of earmarks in this bill by Republicans.

Earmarking is not about party. Earmarking is about power. This is about whether you have the power to get an earmark, and power depends on various things when it comes to earmarking. It depends on what committee you are on. It depends on whether you are an appropriator. It depends on your seniority. It depends on whether you have a tough election fight. It depends, to some extent, on whether you are in the minority party or in the majority party because the split is 60–40 right now. Sixty percent of the earmarks—it is kind of an unwritten rule—go to the majority party and 40 percent go to the minority party. It was the other way around when the Democrats were not in power. That doesn't seem to me to be a very logical way to spend public money. It should be about the merit of the project. It should be about cost-benefit.

There are many people making the argument that we should not let bureaucrats decide. Congress has had the power of the purse for over 200 years. Congress has been directing spending in this country for over 200 years.

Earmarks are a new creation. The first earmarking started in the 1970s, that ability to make a solitary, lonely decision as to where money is going to be directed. In fact, in 1991, there were only 541 earmarks, and at the height of earmarking, under President Bush and under a Republican-controlled Congress, there was $27 billion in earmarks. In fact, the number of earmarks has been cut in half under the leadership of my party.

This notion that bureaucrats are doing the decisionmaking is wrong—we have the power to tell the bureaucrats how to spend the money. We can tell them it is formula grants. We can tell them it is competitive grants. In fact, that is what we do for 99 percent of the budget. We tell the executive branch how to spend the money. It is now only for 1 percent that we decided we cannot tell the bureaucrats how to spend the money, so this notion that somehow we need to do earmarks because the bureaucrats are going to run amok—I don't get it.

In fact, most earmarks skim money off other programs. You can look at the history of the Byrne grants. They have gone down over the last 8 or 9 years. Now we are increasing them—which is great. Byrne grants are competitive at the local level. But what happened while the Byrne grants were going down? In the same time, earmarks were going up. There is a connection.

When money is skimmed off the formula for highways, that is just more local projects that the local people want to build that are not built because a Senator or Congressman knows better.

Now, here is the weird part about this. This is what I want to focus on today: my friends on the other side of the aisle. I listened while podiums were pounded about wasteful spending during the debate on the stimulus bill, during the debate on the economic recovery bill. I watched as my friends across the aisle took to the airwaves and gave many different speeches about wasteful spending in the stimulus bill.

Let me quote some of the things they said:

Pet programs. Honey pot for whatever you need. A porkulus bill. Wasteful spending. Pet projects. Earmarks. Earmarks. Earmarks. An orgy of spending.

That was what they said about the stimulus bill, when, in reality, there were no earmarks in the stimulus bill. Everything that was spent in the stimulus bill was either competitive grants or formula funding.

Now, here is the weird part. They went on and on and on during the stimulus bill about earmarking. No fewer than 17 different Senators stood, and with absolute righteous indignation, talked about the pet projects in the stimulus bill. Guess what? Every single one of them has earmarks in this bill. One member of Republican leadership said:

> That is the problem with earmarks. All Senators are equal, except some Senators are more equal than others when it comes to slipping things in bills.

Every single member of the Republican leadership has earmarks in this bill. Every single one of them. Every single one of those people rejected the stimulus that was one of the largest tax cuts in American history, but had no earmarks, because supposedly they were so upset about wasteful spending.

Those very same Senators have earmarks in this bill, such as the Interstate Shellfish Sanitation Conference. The Interstate Shellfish Sanitation Conference, beaver management, parking lots, all brought to you by the very same people who called out wasteful spending in the President's economic recovery bill.

If you do not take my word for it, check out the Taxpayers For Common Sense Web site. According to their statistics, 6 of the top 10 earmarkers in this bill are my friends on the other side of the aisle. In fact, the Republican leader has twice as many solo earmark dollars in this bill than the Democratic leader.

America, do not be fooled. Earmarking is an equal opportunity activity. It is a bad habit. The minority party is taking full advantage of it. Do not take anyone seriously who says one thing and does another. That is the worst sin of all. Any parent knows one basic rule: The example you set is way more important than anything you say.

Mr. UDALL of Colorado. Mr. President, I rise in support of the McCaskill-Udall resolution on earmark reform, and I am proud to be an original cosponsor of this legislation so ably authored by my colleague, Senator MCCASKILL. I have appreciated the opportunity to work with her in developing this bill, which is designed to strengthen transparency and accountability in the way Congress authorizes and appropriates Federal dollars.

If there was ever a time in our history when we needed to reassure the American people that Congress understands the need for reform and integrity in the process of authorizing and appropriating Federal funds, it is now. It is today. As our economy continues a deep slide into recession, we have found it necessary to stimulate recovery with historic levels of public spending.

Now, the American people expect us to act with speed but not haste. They also expect Federal spending will reflect critical national priorities and broader public purpose. Most of all, they expect Congress to pass funding bills in ways that ensure wise use of taxpayer dollars.

Those are the purposes of this legislation. It is not just about preventing the abuse of so-called congressional earmarks, it is, rather, about reassuring the American people that their dollars and the debt future generations will incur as a result of our spending will be debated in the sunshine of public scrutiny.

In short, this bill is about restoring integrity to a legislative process that has, for a number of reasons, gone off track. It is about restoring public confidence in the legislative branch. Now, I say this without casting any aspersions on the motive of my colleagues in this institution or my former colleagues in the other body. Most of us have sought earmarks for our States and our districts because of a sincere desire to help our constituents and support worthy projects.

Along the way, however, the public has lost confidence in the integrity of this process. Although there have been too many ''bridges to nowhere,'' the problem is as much about the process that yields these earmarks. They are tucked into spending bills without an opportunity to debate or consider their merits or even their true authors.

This bill brings important reform to the earmark process. First, it requires that all earmarks be included in the text of bills rather than a separate ''statement of managers'' that is not technically part of the bill text. Previously legislation allows Senators to strip out earmarks from bill text only, not from the statement of managers.

This reform will result in greater transparency because it will make it possible for any earmark to be stripped out of the bill. Second, the bill requires that all earmarks requested by a Senator be posted on a Senator's Web site within 48 hours after the request. It also requires committees to post on their Web sites all information that Senators are required to submit about an earmark request, including the name of the proposed recipient, the location, purpose, and financial certification from Senators certifying they have no financial interest in that project and all within 48 hours of receiving that request.

This reform, in short, offers a check against the information that Senators post on their own Web sites and provides fuller transparency by requiring this information to be compiled in a central location. Citizens know how to use the Web, and it has increasingly become a watchdog tool for Government. Instead of shrinking from it, I believe we should embrace this technology to inform our constituents and, yes, invite their comment and even criticism.

Third, this bill prohibits earmarks from private or nonprofit entities. By limiting earmark requests to the public sector, we avoid the risk of inadvertently helping a campaign donor or mixing a private gain with a public purpose. An earmark to help our communities ought to be community based and community supported. There ought to be a public benefit that is recognized in a way that is accountable to public decisionmakers.

Fourth, this bill prevents earmarks from mysteriously surfacing in conference negotiations on authorization bills. Previous legislation already prohibits this air dropping of earmarks in conference negotiations on appropriations bills, but this reform would broaden that proposition to include authorization bills, which are often considered to be blueprints for the annual funding bills.

Let me be clear. I admire the hard work of our committee chairs and their staffs, and my experience in both Chambers has led me to the conclusion that great effort is made to ensure integrity and accountability in spending bills. Important, and often very complex bills, can be undermined in the public eye when individual earmarks are not carefully scrutinized. We can all agree that it often takes only one bad apple to spoil even the best barrel, and this provision is designed to keep out the bad apples.

Fifth, the bill requires that all appropriations and authorization conference reports be electronically searchable at least 48 hours before they can be considered by the full Senate. This reform will help the public and Congress identify earmarks that were added during the conference in appropriations bills that can be thousands of pages long.

In conclusion, I believe we can begin the important work of restoring public confidence in the way Congress legislates if we continue on the path we began in 2007, with earmark and ethics reform. This bill closes loopholes in the law we passed in 2007, and strengthens accountability, transparency, and integrity.

Now, there are some who would argue for abolishing all earmarks, including those supporting governmental entities. I have to tell you, I think that may be a case of throwing the baby out with the bathwater. At a time of economic crisis, I believe it is important for Senators to have the tools that can direct Federal funding to job-creating projects in their home States.

For those of us who are not fortunate enough to be appropriators, the opportunity to offer carefully considered earmarks is important. I have not come to the conclusion that all earmarks are bad; in fact, it is the process of their consideration and inclusion that needs reform.

Along with a constitutional line item veto and other reform measures, I believe that, in fact I know, we can construct a path of reform that is both fiscally responsible and in keeping with the highest ethical standards.

SENATE RESOLUTION 64—RECOGNIZING THE NEED FOR THE ENVIRONMENTAL PROTECTION AGENCY TO END DECADES OF DELAY AND UTILIZE EXISTING AUTHORITY UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT TO COMPREHENSIVELY REGULATE COAL COMBUSTION WASTE AND THE NEED FOR THE TENNESSEE VALLEY AUTHORITY TO BE A NATIONAL LEADER IN TECHNOLOGICAL INNOVATION, LOW-COST POWER, AND ENVIRONMENTAL STEWARDSHIP

Mrs. BOXER (for herself and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 64

Whereas the burning of coal creates more than 130,000,000 tons of coal combustion waste a year;

Whereas coal combustion waste is made up of various types of waste, including fly ash, bottom ash, boiler slag, and flue gas emission control waste;

Whereas the National Academy of Sciences found that coal combustion waste ''often contain a mixture of metals [including arsenic, lead, selenium, mercury, cadmium, beryllium, chromium, thorium and uranium] and other constituents in sufficient quantities that they may pose public health and environmental concerns if improperly managed.'';

Whereas the 2 most common forms of disposal for coal combustion waste are landfills and surface impoundments, with impoundments generally holding a ''wet'' waste mixture of water and landfills holding a ''dry'' waste that does not include intentionally added water, although other forms of disposal also occur in other areas including mines;

Whereas a 1993 report prepared for the United States Department of Energy found that over the preceding 50 years, roughly 500,000,000 tons of coal combustion waste were disposed of at then-existing or operating waste management units, and that about 1,000,000,000 tons of coal combustion wastes had been disposed of at an estimated 759 closed units;

Whereas the United States Environmental Protection Agency reported to Congress in 1999 that there were roughly 600 fossil fuel combustion waste disposal units operating at approximately 450 coal-fired power plants;

Whereas the United States Department of Energy in 2006 found: ''The total number of [coal combustion waste] disposal units permitted, built, or laterally expanded between January 1, 1994 and December 31, 2004 ('new units') is not known, as no industry organization or government agency tracks this information,'';

Whereas on Monday, December 22, 2008 at 1:00 a.m. a wall constructed of coal combustion waste and dirt failed on a 84-acre surface impoundment holding coal combustion waste and water at the Kingston Fossil Plant in Harriman, Tennessee, 40 miles west of Knoxville;

Whereas the spill from this ''wet storage'' impoundment at the Kingston plant released 5,400,000 cubic yards of waste, equaling more than 1,000,000,000 gallons or an amount nearly 100 times greater than the amount of oil spilled in the Exxon Valdez disaster, into the Emory River and the surrounding valley and community;

Whereas the spill from the Kingston plant covered half of a square mile of land and water with waste up to 12 feet deep, destroying roads, waterways, wildlife, trees, railroad tracks, and impacting 42 properties, 40 homes, and sections and coves of the Emory River used by businesses, community members, families, and children;

Whereas the Kingston spill occurred around 1:00 a.m. in the morning in December, but if it had occurred at midday during the summer, when businesses, community members, families, and children regularly use the river and coves, the already-extensive property damage could have been far greater and the loss of life could have been catastrophic;

Whereas the United States Department of Energy has information demonstrating wet storage impoundments present risks to public safety, health, and the environment: ''[W]et impoundment systems require substantially greater disposal site volumes than dry systems... Also, the presence of free liquid increases the possibility of leachate (i.e., a combination of ash solids and water) creation and its potential for migration into underlying soils and groundwater'';

Whereas in 2006 the United States Department of Energy reported inconsistent coal combustion waste disposal standards, with some States weakening safeguards and others improving protections;

Whereas the United States Environmental Protection Agency in 2000 produced a draft regulatory determination that certain fossil fuel combustion wastes, including coal ash, should be regulated as a hazardous waste under the Resource Conservation and Recovery Act; and

Whereas the United States Environmental Protection Agency has continued to issue information on the adverse effects of coal combustion waste but the agency has so far not required any consistent Federal regulatory protections for coal combustion waste disposal practices despite their clear authority to do so: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need for the United States Environmental Protection Agency to—

(A) immediately conduct and complete reviews, including onsite confirmatory examinations, of all coal combustion waste impoundments and landfills to ensure the safety of people and the environment located in any area that may be threatened by a spill or release from an impoundment or landfill;

(B) report to the Senate Committee on Environment and Public Works on the earliest date possible that the Agency can regulate coal combustion waste using their existing authority under the Resource Conservation and Recovery Act;

(C) propose rules as quickly as possible to regulate coal combustion waste under the Resource Conservation and Recovery Act using the substantial information currently available to the Agency; and

(D) issue final rules as quickly as possible on regulating coal combustion waste under the Resource Conservation and Recovery Act; and

(2) recognizes the need for the Tennessee Valley Authority to meet the intentions of Congress and be ''a national leader in technological innovation, low-cost power, and environmental stewardship''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 643. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 644. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 645. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 646. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 647. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 648. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 649. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 650. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 651. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 652. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 653. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 654. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 656. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 657. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 658. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 659. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 660. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 661. Mr. TESTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 662. Mr. THUNE (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 663. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 664. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available in Title II of Division C under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' may be used for the At the Park After Dark Gang Prevention Program in California through a congressionally directed spending initiative and the amount made available under that heading is reduced by $50,000.

SA 641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available in Title II of Division C under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' may be used for a tattoo removal violence prevention outreach program in California through a congressionally directed spending initiative and the amount made available under that heading is reduced by $200,000.

SA 642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, section 726 of this title shall have no effect.

SA 643. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, none of the funds made available under the heading ''SALARIES AND EXPENSES'' under the heading ''AGRICULTURAL RESEARCH SERVICE'' in title I may be used for a honey bee laboratory in Texas through a congressionally directed spending initiative and the amount made available under that heading is reduced by $1,762,000.

SA 644. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. ____. PROHIBITION OF USE OF FUNDS TO TEACH SCIENTISTS TO TALK TO THE PRESS.

Notwithstanding any other provision of this Act—

(1) none of the funds appropriated or otherwise made available in title III of division F, under the heading ''HIGHER EDUCATION'' may be available for Stony Brook University School of Journalism in New York through a congressionally directed spending initiative; and

(2) the amount made available under such heading shall be reduced by $214,000.

SA 645. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 427, lines 10 and 11, strike ''$6,590,000, to remain available until expended'' and insert ''$5,090,000, to remain available until expended: *Provided*, That no amounts made available under this heading shall be made available for the California National Historic Trail Interpretive Center''.

SA 646. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7____. (a) Notwithstanding any other provision of this Act, none of the funds made available under this Act may be used for congressionally directed spending initiative related to—

(1) the Virus-Free Wine Grape Cultivars or Wine/Grape Foundation Block in Washington;

(2) the Viticulture Consortium in California, New York, or Pennsylvania;

(3) the Center for Advanced Viticulture and Tree Crop Research in California; or

(4) the Center for Grape Genetics in New York.

(b) Notwithstanding any other provision of this Act, the amount made available under the heading ''SALARIES AND EXPENSES'' under the heading ''AGRICULTURAL RESEARCH SERVICE'' in title I is reduced by $1,677,000.

(c) Notwithstanding any other provision of this Act, the amount made available under the heading ''RESEARCH AND EDUCATION ACTIVITIES'' under the heading ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE'' in title I is reduced by $4,384,000.

SA 647. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. ____. PROHIBITION OF USE OF FUNDS FOR ANTI-BULLYING PROGRAMS.

Notwithstanding any other provision of this Act—

(1) none of the funds appropriated or otherwise made available in title II of division B, under the heading ''JUVENILE JUSTICE PROGRAMS'' may be available for the Self-Determination Anti-Bullying in Lifetown in Michigan through a congressionally directed spending initiative; and

(2) the amount made available under such heading shall be reduced by $820,000.

SA 648. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, section 110 of title I of division B shall have no effect.

SA 649. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 221 of division F.

SA 650. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated under this Act may be used to repeal or amend part 88 of title 45, Code of Federal Regulations.

SA 651. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION OF USE OF APPROPRIATED FUNDS TO STUDY, RECOMMEND, OR IMPLEMENT A NEW METHOD OF TAXATION BASED ON VEHICLE MILES TRAVELED.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to study, recommend, or implement a new method of taxation based on vehicle miles traveled.

SA 652. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 823, beginning on line 12, strike ''may be used to pay'' and all that follows through ''practice abortions'' on line 14 and insert ''may be made available for any private, nongovernmental, or multilateral organization that performs or actively promotes abortion as a method of birth control''.

SA 653. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI of division D, insert the following:

SEC. ____. No funds made available under this Act shall be used to ensure compliance with the requirements of subchapter IV of chapter 31 of title 40, United States Code, or any other provision of law requiring prevailing wages to be paid.

SA 654. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. USE OF APPROPRIATED FUNDS FOR 2010 CENSUS.

Notwithstanding any other provision of this Act, funds appropriated or otherwise made available under this Act for the 2010 Census shall be used in a nonpartisan fashion preserving the integrity and independence of the census process, and no such funds shall be used by the Executive Office of the President or other political officials to interfere with the conduct of the 2010 Census or to manipulate the census process for partisan gain.

SA 655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, between lines 21 and 22, insert the following:

SEC. _____. PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

Notwithstanding any other provision of this Act, no funds appropriated or otherwise made available under this Act may be used in conducting the 2010 Census to include aliens who are in the United States in violation of the immigration laws of the United States for purposes of tabulating population for the apportionment of Representatives in Congress among the several States.

SA 656. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI of division D, add the following:

SEC. 6____. PROHIBITION ON FUNDING FOR EMINENT DOMAIN.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, none of the funds made available by this Act shall be used for any exercise of eminent domain for the purpose of taking from a private individual or entity an interest in property for transfer of ownership of, or a leasehold interest in, the interest to another private individual or entity.

(b) EXCEPTION.—Subsection (a) shall not apply to any transfer of an interest in property for—

(1) use by a public utility;

(2) a road or other right-of-way open to the public or common carriers for transportation;

(3) an aqueduct, pipeline, or similar use;

(4) a prison or hospital; or

(5) any use relating to, and that occurs during, a national emergency or national disaster declared by the President under Federal law.

SA 657. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of law, Federal funds may not be made available to the Palestinian Authority, any Federal Government agency, or other entity receiving any foreign assistance from the United States for humanitarian relief, reconstruction, or assistance in the Gaza Strip until the Secretary of State certifies to Congress that none of the United States foreign assistance is being used to provide material support or resources, training, or expert advice or assistance (as such terms are defined in section 2339A(b) of title 18, United States Code) to a terrorist organization (as defined in section 2339B(g)(6) of title 18, United States Code).

SA 658. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1120, between lines 6 and 7, insert the following:

DETENTION OF INDIVIDUALS AT GUANTANAMO BAY, CUBA

SEC. 414. (a) None of the funds appropriated or otherwise made available by this Act may be used to construct, modify, or otherwise enhance any facility in the United States or its territories to house any individual held at the detainee complex at Guantanamo Bay, Cuba, as of the date of the enactment of this Act.

(b) Notwithstanding section 3 of this Act, for purposes of this section, the term ''this Act'' shall be treated as referring to divisions A through J of this Act.

SA 659. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

In title V of division B, insert after section 530 the following:

PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR ENHANCE FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES AT GUANTANAMO BAY, CUBA

SEC. 531. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to construct, modify, or otherwise enhance any facility in the United States or its territories to house any individual currently held at the detainee complex at Guantanamo Bay, Cuba

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SA 660. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 444, line 21, insert '', of which $2,000,000 shall be available for Cuyahoga Valley National Park, of which $1,500,000 shall be available for emergencies and hardships, of which $1,500,000 shall be available for inholdings,'' before ''and of which''.

SA 661. Mr. TESTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CABIN USER FEES.

Title VI of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) is amended by adding at the end the following:

''SEC. 615. DELAYED IMPLEMENTATION.

''(a) IN GENERAL.—Notwithstanding any other provision of this title, this title shall not be implemented until January 1, 2010.

''(b) PAYMENTS FOR 2009.—For fiscal year 2009, cabin user fees shall be equal to the fee applicable for fiscal year 2008, as adjusted under section 614(a).''.

SA 662. Mr. THUNE (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, after line 2, insert the following:

SEC. 753. None of the funds appropriated in this Act may be used by the Federal Communications Commission to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the ''Fairness Doctrine'', as such doctrine was repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987).

SA 663. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 451, strike lines 3 through 9.

SA 664. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1105,

making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 679, after line 22, add the following:

SEC. 524. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—

(a) APPROPRIATIONS FOR TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—There are appropriated—

(1) $60,000,000 to the Economic Development Administration of the Department of Commerce to carry out the trade adjustment assistance for communities program under subchapter A of chapter 4 of the Trade Act of 1974;

(2) $20,000,000 to the Secretary of Labor to carry out the Community College and Career Training Grant Program under subchapter B of chapter 4 of the Trade Act of 1974; and

(3) $20,000,000 to the Secretary of Labor to carry out the Industry or Sector Partnership Grant Program for Communities Impacted by Trade under subchapter C of chapter 4 of the Trade Act of 1974.

(b) OFFSETS.—

(1) The amount appropriated or otherwise made available by title V of division D under the heading ''LIMITATIONS ON AVAILABILITY OF REVENUE'' under the heading ''FEDERAL BUILDINGS FUND'' under the heading ''REAL PROPERTY ACTIVITIES'' under the heading ''GENERAL SERVICES ADMINISTRATION'' is decreased by $50,000,000.

(2) The amount appropriated or otherwise made available by title IV of this division under the heading ''LIMITATION ON ADMINISTRATIVE EXPENSES'' under the heading ''SOCIAL SECURITY ADMINISTRATION'' is decreased by $50,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 4, 2009, at 9:30 a.m. in room 216 of the Hart Senate office building.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 4, 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

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 4, 2009, at 2:30 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 4, 2009, at 9 a.m. to conduct a hearing entitled ''Where Were the Watchdogs? Systemic Risk and the Breakdown of Financial Governance.''

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Getting to the Truth Through a Nonpartisan Commission of Inquiry'' on Wednesday, March 4, 2009, at 10 a.m., in room SD–106 of the Dirksen Senate Office Building.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 4, at 2:30 p.m., to conduct a hearing entitled ''Tax Haven Banks and U.S. Tax Compliance—Obtaining the Names of U.S. Clients with Swiss Accounts.''

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

SPECIAL COMMITTEE ON AGING

Mrs. BOXER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 4, 2009 from 10 a.m.–12 p.m. in Dirksen 562.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Sara Crouse and Lauren Gannon from my staff be granted the privilege of the floor for the duration of today's session.

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

MEASURE READ THE FIRST TIME—H.R. 146

Mr. WARNER. Madam President, I understand that H.R. 146 has been received from the House and is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

Mr. WARNER. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, MARCH 5, 2009

Mr. WARNER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Thursday, March 5; that following the prayer and the 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 proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees; further, that the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill.

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

PROGRAM

Mr. WARNER. Madam President, earlier this evening the majority leader filed cloture on the Omnibus appropriations bill. As a result, the filing deadline for first-degree amendments is 1 p.m. tomorrow. Rollcall votes in relation to pending amendments are expected to occur throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Thursday, March 5, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RONALD C. SIMS, OF WASHINGTON, TO BE DEPUTY SECRETARY OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE ROMOLO A. BERNARDI, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

JOHN BERRY, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS, VICE LINDA M. SPRINGER, RESIGNED.