Americans are worried about tax hikes. They are also worried about the colossal amount of debt this budget would leave to our children. This budget proposes to borrow an equivalent amount of money in the next 5 years to all of the money the Government has borrowed from 1789 to January 20, 2009. So the senior Senator from New Hampshire sponsored an amendment to require a supermajority to adopt any budget resolution that would more than double the entire public debt cumulated from 1789 to January 20, 2009. The Democrats rejected that amendment.

In other efforts to control debt and curb Federal spending, Republicans will offer a number of additional amendments, including another amendment from the senior Senator from New Hampshire that would take the first step toward the creation of a bipartisan task force to confront the Nation's long-term deficits; an amendment from the senior Senator from South Carolina that would help to ensure that Social Security remains a self-sustaining, solvent program; an amendment from the senior Senator from Idaho that would take the Democratic spending levels and try to ensure spending does not exceed those levels. Republicans will sponsor further amendments that would correct many of the other problems with this budget.

Additionally, Republicans have resisted efforts to fast track major policy changes through reconciliation. The junior Senator from Nebraska has offered an amendment that would prohibit the use of this rule in connection with a national energy tax. Some Democrats said they do not support using reconciliation for this legislation. We will insist on having a vote on the Johanns amendment.

These Republican proposals should have the support of Senators on both sides of the aisle. We should all want to cut the massive taxing, borrowing, and spending in this budget.

The budget debate is always one of the most clarifying weeks of the year. Rarely do the American people get to see the differences between the two parties as clearly as they do during this debate. Rarely has the difference been so stark.

UNIVERSITY OF LOUISVILLE LADY CARDS

Mr. MCCONNELL. Mr. President, on another subject and admittedly a lighter note, I rise today to pay tribute to a group of young women from the University of Louisville who reached an amazing milestone this week. The U of L Lady Cards made basketball history with their first NCAA Final Four trip.

The Lady Cards, coached by Jeff Walz and led by All-American Angel McCoughtry and senior forward Candyce Bingham, are heading to St. Louis this weekend to play in the women's NCAA Final Four.

Today, I wanted to recognize this history-making team. The Lady Cards had an amazing season, and it is not over yet. On Sunday, they will face Oklahoma, with the winner advancing to the final game on Tuesday.

This has been a fun team to watch this season. Their style of play will inspire future generations of Lady Cardinals. I am sure there are a lot of young athletes in Kentucky who look up to the home team and will be cheering them on to victory this weekend.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the players and coaches.

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

UNIVERSITY OF LOUISVILLE WOMEN'S BASKETBALL ROSTER

Gwen Rucker, Becky Burke, Candyce Bingham, Janae Howard, Tiera Stephen, Mary Jackson, Laura Terry, Monique Reid, Angel McCoughtry, Chauntise Wright, Keshia Hines, and Deseree Boyd.

UNIVERSITY OF LOUISVILLE WOMEN'S BASKETBALL COACHES

Head Coach Jeff Walz, Assistant Coaches Stephanie Norman, Michelle Clark-Heard and Bethann Shapiro Ord and Director of Basketball Operations, Becky Bonner.

Mr. MCCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

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

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

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

The legislative clerk read as follows:

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

Pending:

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

Lieberman amendment No. 763, to protect the American people from potential spillover violence from Mexico by providing $550 million in additional funding for the Department of Homeland Security and the Department of Justice and supporting the administration's efforts to combat drug, gun, and cash smuggling by the cartels, by providing $260 million for Customs and Border Protection to hire, train, equip, and deploy additional officers and canines and conduct exit inspections for weapons and cash; $130 million for Immigration and Customs Enforcement to hire, train, equip, and deploy additional investigators; $50 million to Alcohol, Tobacco, Firearms and Explosives to hire, train, equip, and deploy additional agents and inspectors; $20 million for the Human Smuggling and Trafficking Center; $10 million for the Office of International Affairs and the Management Directorate at DHS for oversight of the Merida Initiative; $30 million for Operation Stonegarden; $10 million to the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Program, to support state and local law enforcement participation in the HIDTA Program along the southern border; $20 million to DHS for tactical radio communications; and $20 million for upgrading the Traveler Enforcement Communications System.

Alexander amendment No. 747, to create runaway debt point of order against consideration of a budget resolution that projects the ratio of public debt to GDP for any fiscal year in excess of 90 percent to ensure the continued viability of the U.S. dollar and prevent doubling or tripling the debt burden on future generations.

Sessions amendment No. 772, to restore the budget discipline of the Federal Government by freezing nondefense discretionary spending for fiscal years 2010 and 2011, and limiting the growth of nondefense discretionary spending to 1 percent annually for fiscal years 2012, 2013, and 2014.

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

Mr. CONRAD. Mr. President, in the ongoing debate about the fiscal condition of the country, we have heard once again the finger pointed at President Obama. President Obama did not create this economic collapse. He has only been President about 3 months—less than 3 months. This is not his concoction, nor are the deficits and debt piled up by the previous administration his responsibility.

President Obama inherited a colossal mess—a debt that was doubled during the previous administration, foreign holdings of U.S. debt that were tripled during the previous administration, and an economic collapse unparalleled since the Great Depression. In addition to that, he inherited two wars.

President Obama is striving mightily to get us moving back in the right direction. His budget, especially the first 5 years of his budget, which emphasizes reducing our dependence on foreign energy, a focus on excellence in education, fundamental health care reform, all the while cutting the deficit by more than half and extending the middle-class tax cuts from 2001 and 2003, has exactly the right priorities for the country.

When I hear criticism of President Obama, I must say it is badly misplaced. Our friends on the other side who complain about the fiscal condition of the United States should look in the mirror because they were there as silent sentinels when the previous administration stacked up this record debt, these record deficits, and plunged this country into a deep economic decline. That is their responsibility. President Obama is in on the cleanup crew, and a remarkable job he is doing.

We now are prepared to enter into an order for the next several amendments: Senator CASEY to be recognized for 10 minutes; then Senator GREGG or his designee for 1 minute; Senator ENSIGN for an amendment, 15 minutes on his side, 15 minutes for the chairman of the Budget Committee or his designee;

then we will go to an amendment by Senator KERRY, who is seeking 15 minutes and will reserve just 1 minute in opposition or to comment. Is that OK with the Senator from New Hampshire?

Mr. GREGG. Yes.

Mr. CONRAD. I think we are prepared to move forward on those three at this point.

Mr. GREGG. Mr. President, we still have to work on this, but I would like to be recognized to offer an amendment after Senator KERRY completes his amendment.

Mr. CONRAD. It will be our intention—we need to work out times and have a chance to look at the amendment—that Senator GREGG would go after that. Our intention is to have a tranche of votes at 2:30 this afternoon. So far, that would involve a vote on the Alexander amendment offered yesterday, the Lieberman-Collins amendment offered yesterday, the Sessions amendment offered yesterday, and then, of course, the pending amendments—Casey, Ensign, Kerry, a potential for Johanns, and a side-by-side from yesterday. We still have that to resolve. And potentially Senator GREGG as well.

With that, Senator CASEY is up.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

AMENDMENT NO. 783

Mr. CASEY. Mr. President, I rise for two purposes: the first on an amendment, and then I want to speak on the budget as well.

First, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 783, the Casey amendment on funding the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 783.

Mr. CASEY. Mr. President, I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

(Purpose: To establish a reserve fund to fully fund the Long-Term Stability/Housing for Victims Program)

At the end of title II, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND TO FULLY FUND THE LONG-TERM STABILITY/HOUSING FOR VICTIMS PROGRAM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CASEY. Mr. President, earlier this month I had the honor of chairing the advisory board and participating in the release of a report by the National Center on Family Homelessness that focused on the increasing number of children that are homeless in our country.

The report is titled ''America's Youngest Outcasts''—a very appropriate title and a heartbreakingly accurate one.

There are many very harmful consequences of homelessness for children. But first I want to emphasize the nexus between domestic violence and homelessness—and the reason why I am offering this amendment.

Mr. President, this budget amendment creates a deficit-neutral reserve fund for the Long-Term Stability/Housing for Victims Program, which is authorized under the Violence Against Women Act, and I am offering this amendment because I wanted to highlight two very serious problems in this country. First of all, the relationship between domestic violence and homelessness and the obvious impact that both of these issues have on women and children in America; and in particular the high number of women and children who are fleeing abusive situations who then become homeless.

This program, under the Violence Against Women Act, will help substantially to improve the lives of women and children in America who become both victims of domestic violence and then become victims because they are homeless as a result of that.

I want to defer further review of that for now because I want to move to the second part of my remarks which focus on the budget, and in particular the issue of health care.

As we know from the budget offered by President Obama, these are his priorities in that budget: First of all, the creation of jobs, the focus on health care—which I will speak of in a moment—energy independence, and education. Two items not on that list are deficit reduction, to cut the deficit in half over the next couple of years, and, secondly, tax cuts—over $800 billion in tax cuts set forth in the resolution that we are considering before the Senate.

At this point I will go to a second chart that very simply puts forth a headline from the Reading Eagle newspaper in Reading, PA, dated February 9 of this year: ''Tilden Township Woman Tends To Baby Born Hours After Her Husband's Death,'' and then there is a very brief introduction:

Just after noon on Thursday, Trisha Urban's husband, Andrew D. Urban, died. Less than nine hours later, she gave birth to their first child, Cora Catherine.

Andrew Urban was just 30 years old, Mr. President. It is hard to describe the situation Trisha Urban was facing that day. Literally, at the same time she was watching her husband die, she was being rushed to the hospital to have their first child.

Let me read one excerpt from a letter she sent to me. Here is how her first paragraph concludes:

Two ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

She goes on to say in the letter:

Because of preexisting conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance. I worked four part-time jobs and was not eligible for health benefits.

Later in the letter she talks about the insurance company dropping the coverage for her family.

We were left with close to $100,000 worth of medical bills. Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than 1 month ago.

And, of course, we know what happened next—her husband died and her baby was born.

Those words and this story tell us all we need to know about the challenge of health care—the challenge that is presented to the Senate, the Congress, and the country. We cannot fail to do something about this issue this year; not 2010, not 2011, or down the road. We have to address this issue this year. I am glad the President has made this a priority, and I am glad that Chairman CONRAD has as well.

I want to read Chairman CONRAD's words, the chairman of our Budget Committee, when he talked about not just the importance of health care but the connection between health care and fiscal responsibility in our budget. When he was releasing the budget resolution, Chairman CONRAD said, in part:

Reforming our Nation's health care system is essential to ensuring our long-term fiscal stability and economic strength, in addition to the well-being of our citizenry. Soaring health care costs are the biggest source of the projected explosion in Federal debt in our long-term budget outlook. Rapidly rising health care costs make it harder for our businesses to compete globally, while putting a tremendous strain on family budgets.

That is the challenge we have from a fiscal point of view if we don't do anything about health care. But let's talk about costs and families—rising costs and struggling families.

This chart is very simple. The orange line, of course, is the rise in health insurance premiums from 1999 to 2008, a very dramatic and unambiguous upward spike. The two lower lines, the light blue and the red, depict workers' earnings, which have been, at best, near flat in that time period. Then overall inflation is at about the same level, so a 34-percent increase in wages at the same time health care premiums are up 119 percent.

Going to the next chart, the insurance status of Americans under the age of 65, you can see from that number we have 86 million Americans, according to a recent report, who at some period of time in 2007 and 2008 had no health insurance. I might add those 86 million people, most of them, almost 70 percent of them, didn't have health care for at least 6 months.

Finally, we go to the employment status of people in Pennsylvania—those who are uninsured. As you can see from this chart, more than three-quarters of the people in Pennsylvania who are uninsured are employed. So we are talking about working families not having health insurance. That won't come as news to people across the country.

This really, when you get down to it, is not about these charts or numbers. In the end, it is about people. It is about Trisha Urban and her family and the horror they faced when her husband, the father of her child, died at the very moment of birth of that child, but it is also the horror of people who face a health insurance crisis that is literally, in some cases, about life and death and about whether they will survive.

Just consider this: Consider the costs we are talking about in terms of the causes of death. The leading cause of death for Americans between the ages of 55 and 64 are, No. 1, heart disease; No. 2, cancer; but No. 3, in that age category, no insurance—the cause of death, not just a problem, not just a crisis, but literally the third leading cause of death in that age category. So that is what we are talking about.

Finally, when we consider the challenges that families face, this is also about a lot of small businesses. I am noting that in Pennsylvania we have a strong tradition of making sure we support our small businesses. One of the companies our office worked with is Bingaman & Son Lumber Company. They have been in business 40 years, with 250 people employed, and they prided themselves on covering 80 percent of their employees' medical and prescription drug costs. In December, Bingaman & Son Lumber was notified that due to high medical bills the company would have to increase their premiums by 37 percent.

We were able to work with them to provide some relief. But, again, this points to the crisis in families but also the crisis in small businesses—a 37-percent increase in their premiums.

Finally, Mr. President, I want to highlight President Obama's principles for health care reform. They are very simple, and I will go through them quickly. We know what they are: protecting families' financial health, just as we spoke of today; making health care affordable; aiming for universality, or covering everyone, which has to be our objective; portability of coverage, so in the case of the Urban family moving or changing jobs, it would not lead to a problem with health insurance which could have been prevented; guaranteed choice; investment in prevention and wellness, and we know the importance of that; improving patient safety and quality care; and, finally, maintaining long-term fiscal sustainability, or stability, as our chairman has made a major priority of the budget resolution.

In conclusion, Mr. President, I would ask that we stay focused on this issue, not just in this budget resolution but well beyond the debate on the budget. And I want to come back to Trisha Urban. At the end of her letter to me, she said the following:

> I am a working class American and do not have the money or the insight to legally fight the insurance company. I will probably lose my home, my car, and everything we worked so hard to accumulate in our life will be gone in an instant. I am willing to pay the price of losing everything.

So, Mr. President, as I conclude, I would ask all of us in the Senate who are debating this budget and wondering what is going to happen on the issue of health care this question: What price will we be willing to pay to make sure health care reform becomes a reality? The first step in that goal is passing a budget resolution which makes health care a priority.

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

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

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

AMENDMENT NO. 804

Mr. ENSIGN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 804, an amendment to protect middle-income taxpayers from tax increases.

The ACTING PRESIDENT pro tempore. Is there any objection?

Hearing no objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 804.

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

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

The amendment is as follows:

(Purpose: To protect middle-income taxpayers from tax increases by providing a point of order against legislation that increase taxes on them, including taxes that arise, directly or indirectly, from Federal revenues derived from climate change or similar legislation)

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

SEC. ____. POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) includes a Federal tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE-INCOME TAXPAYERS.—The term ''middle-income taxpayers'' means single individuals with $200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with $250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term ''widespread applicability'' includes the definition with respect to individual income taxpayers in section 4022 (b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) FEDERAL TAX INCREASE.—The term ''Federal tax increase'' means—

(A) any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal tax; or

(B) any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

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

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

Mr. CONRAD. Mr. President, through the Chair to the distinguished Senator from Nevada, would he yield for a unanimous consent request?

Mr. ENSIGN. I will, without losing my right to the floor.

Mr. CONRAD. Absolutely.

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

Mr. CONRAD. I apologize to the Senator. We thought we had entered a unanimous consent request. It was taken as more of a statement of times rather than a unanimous consent request. We need to get that fixed; otherwise, we could have a long delay here.

Mr. President, I ask consent the Ensign amendment we are on now—I ask unanimous consent Senator ENSIGN have 15 minutes and it be 15 minutes for the chairman of the Budget Committee or his designee; then we would go to the Kerry amendment, 15 minutes for Senator KERRY, 5 minutes for time in opposition; then the Cornyn amendment, 15 minutes for Senator CORNYN, 15 minutes for the chairman of the committee or his designee; then the Lincoln amendment on National Guard, 10 minutes for Senator LINCOLN and 5 minutes in opposition; then we would go to the Gregg amendment, 15 minutes for Senator GREGG and 15 minutes for the chairman of the committee or his designee. I ask unanimous consent that we agree to that order.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. The Senator from Nevada.

Mr. ENSIGN. Mr. President, if I tried to imagine the worst policy we could pursue during this time of economic duress, when jobs are being shed from the economy, the worst policy would be to raise taxes on individuals and businesses.

Every single day, we are buried in the news of our economic turmoil. Thousands more are laid off, home foreclosures are reaching new highs, property values are dipping to new lows, more businesses are shutting their doors, and Americans are struggling to pay for life's essentials. Therefore, what we should be discussing is extending tax relief for individuals and families, and even going further to encourage savings and investment that generates jobs and security.

Framed within this context, President Obama has promised not to raise taxes on individuals making up to $200,000 and for families who make up to $250,000. In his address to Congress, he said:

> But let me [be] perfectly clear, . . . if your family earns less than $250,000 a year, you will not see your taxes increased a single dime. I repeat, not one single dime.

That was the quote from the President of the United States. The President did not say I will not raise income taxes one single dime. He said ''taxes,'' period. He did not define direct, indirect—he said ''not one single dime will be raised in taxes.''

That promise does not go far enough, in my view because, as we have discussed, many middle-income families could be hit by increased energy costs and other potential tax increases under this budget resolution. Still, the promise was made by the President and by other Democrats that those who make up to $250,000 will not have their taxes raised, ''not one single dime.'' I will be frank with my Democratic colleagues when I say that many people doubt they will live up to this promise. Many people making less than $250,000 fear tax increases on them in the immediate future.

I believe we need to take action on this budget resolution that locks in place a commitment that Congress will not raise taxes on middle-income families. My amendment ensures that Congress and the President will keep this promise not to raise taxes on individuals making $200,000 a year or families making $250,000. If they decide to violate this promise, then they will be held accountable.

To achieve this objective, my amendment would create a new budget point of order against any legislation that would raise taxes on middle-income taxpayers, those individuals making less than $200,000, and families making less than $250,000. If the Democrats mean what they say about not raising taxes on families making up to $250,000, then they should embrace my amendment as a way of accomplishing it.

I define tax increase broadly because I think families were promised ''no tax increases'' and they don't care whether those tax increases come directly or indirectly. My amendment would protect taxpayers against indirect tax hikes yet to be forced upon the public.

Under the budget proposals, Americans, even those married couples with incomes under $250,000 and singles under $200,000, would see higher electricity, gas, heating oil, and other energy prices. Americans would also see higher prices for other goods and services that are themselves affected by higher energy costs.

This is the Trojan horse—the national sales tax on energy. This is the indirect tax on people making less than $250,000 a year. A recent MIT study, which modeled a national energy tax regime similar to President Obama's budget proposal, estimated that annual revenues as high as $366 billion would come to the Federal Government. This equals tax increases of over $3,100 per household per year in the United States. Higher energy costs under a national energy tax is not speculation. Candidate Obama acknowledged his plan would lead to higher energy prices. He said last year:

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

The OMB Director, the President's OMB Director, Director Orszag, said in prepared testimony that ''[u]nder a cap-and-trade program, firms would not ultimately bear most of the cost of the allowances but instead would pass them along to their customers in the form of higher prices . . . [T]he price increases would be essential to the success of a cap-and-trade program.''

That was a direct quote from President Obama's OMB Director, admitting that these higher prices are going to get passed on to the American consumer. If you are raising cap-and-trade taxes, and that is not an indirect tax, I don't know what is. More than anything else in this budget, an energy tax poses perhaps the greatest risk to our economy and to middle income livelihoods. In addition, this amendment would also protect taxpayers against tax hikes yet to be developed by those who want to expand the role of the Federal Government.

Now is the time to protect middle-income Americans who are at risk from direct and indirect taxes. This amendment would be a good first step in locking the budget into a direction in which middle-income families are protected. Then we should work toward providing new tax relief instead of raising taxes. With the economy in such bad state, we should all be able to agree not to raise taxes. I urge all Members of this body to support this important amendment.

In conclusion, the energy tax that has been proposed, this cap-and-trade system, this national sales tax on energy. We did a hearing on this the other night. What people do not realize is that not only do the electricity rates skyrocket as the President said, but gasoline and diesel prices go up significantly. That means transportation costs on your food go up significantly. That means you have to raise the price of food.

We had the fertilizer companies testifying before our committee. I didn't know that much about fertilizer before the testimony in front of the committee. It is amazing what a world commodity fertilizer is. The energy tax is going to destroy jobs in the fertilizer industry, but it will also raise prices of fertilizers in the United States. Guess what, to grow food you need fertilizer. If you pay more for fertilizer, you are going to pay more for food. That cost either has to be borne by hard-working farmers and their families or it is going to be borne by the consumer at the end.

The worst part of all this is that a national energy tax is the most regressive form of taxation there is because it hits those in the low- and middle-income categories much more severely as a percentage of their income than it does people at the top.

My amendment is critical for the President to keep his word on not raising taxes on individuals making up to $200,000 a year or families making up to $250,000 a year. My amendment will ensure that the President keeps not only his campaign pledge, but also what he pledged in his first address to Congress and to the American people when he took office after Inauguration Day.

I urge adoption of my amendment by all the Senators in this body. Let's move forward and protect middle-class, middle-income taxpayers in America.

I yield the floor.

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

Mr. CONRAD. Mr. President, if I could get the attention of my colleague, I would be willing to take the amendment on a voice vote—oh, I am sorry. I have been advised that because of the way the amendment is structured, it gives specific instructions to the Finance Committee that we cannot do so in a budget resolution or the whole budget resolution is no longer privileged. We went through this last year, you may recall, with the Cornyn amendment. The same thing applies here.

I will be required to raise the defense of germaneness against the amendment. Let me say this, I support the amendment. I think it is the right signal to send. But the Parliamentarian has advised us that if I do not raise the defense of germaneness against the amendment, then the entire privileged nature of the budget resolution is at risk. I hope the Senator understands. It has nothing to do with the message the Senator is trying to send. What it has to do with is, as I understand it, the specific instructions to the Finance Committee that are contained in this amendment. That is beyond the power of the Budget Committee. We don't

have the authority to tell the committees of jurisdictions with specificity what they are to do with the allocations they are given. The power of the Budget Committee is to tell the committees what numbers they have to hit. We don't have the ability to tell them how to do it.

It is just like appropriators. We tell them how much money they have to spend. We do not have the authority to tell them how to spend it.

If I were able to make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CONRAD. Has the Parliamentarian had a chance to review the Ensign amendment?

The PRESIDING OFFICER. Yes.

Mr. CONRAD. Is this amendment defective in the way that I have described; that is, is it too prescriptive in terms of its language with respect to the Finance Committee and therefore would it put at risk the privileged status of the budget resolution itself?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. Let me inquire further. If I fail to raise the defense of germaneness against this amendment, that would put the budget resolution's privileged status at risk?

The PRESIDING OFFICER. If the amendment were to be adopted, it would put the privileged status at risk.

Mr. CONRAD. So if I raise the defense of germaneness and I were to lose, that would put the privileged status of the budget resolution at risk?

The PRESIDING OFFICER. Will the Senator restate his inquiry.

Mr. CONRAD. Excuse me?

The PRESIDING OFFICER. Would the Senator restate his inquiry.

Mr. CONRAD. If I were to raise a point of order that the amendment is not germane for the reason we have discussed, and I were to lose that point of order, would the resolution be at risk in terms of its privileged status?

The PRESIDING OFFICER. It would.

Mr. GREGG. Only if it passes.

The PRESIDING OFFICER. It would.

Mr. GREGG. Mr. President, it would only be at risk if it passes?

The PRESIDING OFFICER. If the amendment were adopted, it would be at risk.

Mr. CONRAD. So let's be very clear. If I raise—first of all, I have to raise a point of order or the privileged status of the resolution is at risk; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. If I lose the point of order, the privileged status of the resolution is at risk?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Well, only if it is adopted.

Mr. CONRAD. Wait. I have the floor.

I would ask the Senator from Nevada if it would not be possible for us to work together on alternative language that would capture the intent of the Senator from Nevada but that would not put the budget resolution at risk.

Mr. ENSIGN. I would say to the Senator from North Dakota, we have worked on language with the Parliamentarian, trying to overcome this problem the Chairman is raising. The bottom line is, the intent of what we are trying to do is to make sure taxes are not raised on people making up to $250,000 a year.

From what we understand from the Parliamentarian, there was not language we could draft that would fit the conforming factor with the budget resolution. So we were going to have to have a vote on waiving the germaneness.

Mr. CONRAD. Well the problem is, if the Senator proceeds, I am required to raise the point of order. If I fail to do so, the entire privileged status of the budget resolution is at risk. If I raise it and I lose, the privileged status of the budget resolution is at risk.

This, in effect—I do not think this is the Senator's intention, to threaten the entire budget resolution.

Mr. GREGG. Would the Senator yield on this point? If I might inquire of the Chair, ''at risk'' does not mean the resolution has necessarily gone over the level of being—of losing its privileged status?

This is, by the Chair's definition, a corrosive amendment. There would have to be a series of corrosive amendments to meet the point where the bill loses its status as privileged. One single amendment that is corrosive does not necessarily mean the bill has lost its privileged status. It simply means it is moving in the direction of being at risk of losing its privileged status; is that true?

The PRESIDING OFFICER. The Senator is correct with respect to this stage of the proceedings on this matter.

Mr. GREGG. So it is possible this amendment could pass. If passed, it would be—could be deemed corrosive but would not be deemed fatal to the privileged status of the bill?

The PRESIDING OFFICER. During this initial phase of consideration of the resolution, that is correct.

Mr. CONRAD. Mr. President, further parliamentary inquiry: So let's review because at least this Senator is getting a mixed message. Let's revisit this. If I fail to raise a point of order against the Ensign amendment, that threatens the privileged status of the resolution; is that correct?

The PRESIDING OFFICER. The adoption of the Ensign amendment would have a corrosive effect on the privilege of the resolution on the floor at this time. It would have a fatal effect if the language were to be retained in the conference report.

Mr. CONRAD. So let's revisit this once again. If I did not raise the point of order, in fact, supported the Ensign amendment, and it passed, as long as it did not come back from conference committee, the privileged status of the budget resolution would be preserved?

The PRESIDING OFFICER. At this time, it would be corrosive. The cumulative effect of the adoption of such amendments could prove fatal.

Mr. GREGG. Mr. President, if I might inquire. But the amendment itself is not fatal?

The PRESIDING OFFICER. Not if it is adopted to the resolution at this phase.

Mr. KERRY. Mr. President, I wish to try and clarify that now because this has gone back and forth. What I understood you to say is—I wish to have this clear—if it passes now, it has a corrosive effect, but if it does not come back—if it comes back from conference committee, it would be fatal?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. If it does not come back from the conference committee, then the corrosive—whatever effect—is eliminated?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. All right. I think it is clear to all of us. I hope that is clear. Let me make one further parliamentary inquiry because I wish to make certain: If I fail to raise the point of order at this point against Senator ENSIGN's amendment, that has a corrosive effect, potentially corrosive effect, but it is not fatal?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. It would only be fatal if it came back from conference committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I wish to indicate it would be my intention to support the Ensign amendment. We will have a vote later on it. I would not oppose it. But I wish to make clear to my colleagues this exchange. Senator ENSIGN needs to know, I cannot bring this amendment back from conference because that would be fatal to the privileged status of the budget resolution. The Senator needs to offer this amendment knowing that full well.

I also wish to say to others who might have similarly crafted amendments, and I would ask the Parliamentarian at this time: If there were a series of amendments such as this one that were adopted here but did come back from the conference committee, would just the fact that a series of amendments such as this were adopted be potentially fatal to the privileged status of the budget resolution, even if they did not come back from conference committee?

The PRESIDING OFFICER. It is impossible to predict the ultimate corrosive effect. But there is a theoretical possibility it could exist.

Mr. CONRAD. It is not theoretical in the sense that we have another amendment coming very soon after this one that is the same. The Cornyn amendment, as I understand, has exactly the

same flaw. So we are going to have to go through this exercise again.

Mr. ENSIGN. Another parliamentary inquiry: It is true that when you say ''fatal,'' that just requires 60 votes instead of 51 votes?

The PRESIDING OFFICER. If a measures loses its privileged status, when it is considered, it is fully debatable and could require 60 votes to invoke cloture.

Mr. ENSIGN. Further parliamentary inquiry: That would indicate, if they had 60 votes, they could pass the budget resolution even with this amendment in it? So it actually is not fatal, it requires a higher level of support from the Senate to pass it?

The PRESIDING OFFICER. It is fatal to the privileged status.

Mr. ENSIGN. But it does not kill the bill? The bill still could be passed with 60 votes, passing the other hurdles that are in the way; is that not correct?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. CONRAD. Mr. President, what is very clear is it is fatal to the privileged status of the budget resolution. Requiring 60 votes on a budget resolution, that is fatal. Let's be clear. We all know what this means.

I would ask to make a further parliamentary inquiry: Does it make a difference whether I offer the point of order against the Ensign amendment to the risk of the budget resolution, even if it does not come back in conference?

Am I clear? Let me restate this. If the Ensign amendment does not come back from conference committee, does the fact that I raise a point of order make a difference?

The PRESIDING OFFICER. Not if this does not come back from the conference committee.

Mr. CONRAD. Well, I wish to say this to Senator ENSIGN straight from the shoulder. I intend to support the amendment. I ask other colleagues to support the amendment because it is clear to me it will not be fatal to the privileged status of the budget resolution if it does not come back from conference committee.

But let me say this to the Senator very clearly: There is no way it is coming back from conference committee. I am not going to put the entire budget resolution at risk for that.

Mr. ENSIGN. Mr. President, one last comment. We clearly established that even if it was in the budget resolution, coming back from conference it would require 60 votes at that point if somebody raised the question of its privileged status. If that was the case, it would require 60 votes, and there it would require bipartisan participation.

I guess bipartisanship around here means it is fatal.

Mr. CONRAD. Well, I would say this. Let's deal with the reality. The reality is, I do not remember a budget resolution around here that has gotten 60 votes. So to make the privileged status fatal, to be fatal to the privileged status is to be fatal to a budget resolution. That is the reality.

Mr. GREGG. Mr. President, as an aside, I think it is important to note the chairman has said this will not come back from the conference committee, which is interesting and informative. I think it is fair that he has said that. It reflects the influence the chairman has on the conference committee.

Therefore, I presume, since the chairman has said, relative to reconciliation, it should not occur in the Senate on the issue of health care or the carbon tax, national sales tax, that the chairman will use the same influence to assure us we will not see those matters come out of the conference committee.

In addition, I wish to ask a parliamentary inquiry: I understand there is a wall, not a wall of debt—although that also is involved in this bill—but there is a wall being built of corrosive activity, potentially, with a series of amendments that might be adopted on the floor that the Parliamentarian deems to be corrosive. At some point, there is the theoretical possibility, as the Chair has said, that you might even bring the budget resolution's privilege into issue on the floor.

I guess my question is: Why, if this is just one element of that wall, on the resolution as it reaches the floor, would it be definitive relative to the conference report?

In other words, why doesn't there have to be a series of amendments that are corrosive in order to make the conference report privilege fatal? Why would one amendment make the conference report fatal if it does not make the budget on the floor fatal, if the Chair understands the question?

The PRESIDING OFFICER. The conferees would have the opportunity, upon reflection, to remove corrosive matter from the conference report.

Mr. GREGG. I think my question was, to make it more succinct, if this were the only corrosive matter in the conference report and since it was not fatal to the budget resolution as a single corrosive matter on the floor, why would it be fatal to the conference report? Why isn't the conference report something that is subject to the same test of corrosiveness as the budget resolution is on the floor?

The PRESIDING OFFICER. The conferees would have the ability to reflect on the appropriateness of the matters sent to them.

Mr. GREGG. So is the Chair saying that it is possible—more than theoretical but possible—that this amendment in the conference report would not be fatal to the conference report's privilege but would simply be corrosive of that privilege and that the conference report could retain its privilege with this amendment in it, that that is a possibility?

The PRESIDING OFFICER. A very remote possibility.

Mr. GREGG. But not theoretical?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Is there any possibility that the resolution could be challenged prior to going to conference on the basis of its privilege and that it could lose its privilege prior to going to conference?

The PRESIDING OFFICER. Only on the accumulative effect of corrosive amendments.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague for his confidence in my ability to influence the outcome of the conference committee. I don't think it may extend as far as he may wish or as far as I might wish.

On a matter such as this, I don't see that there is any option. Many of us support the intent of the amendment of the Senator from Nevada. Unfortunately, it is drafted in a way that the Parliamentarian has described to us clearly. If it comes back from conference committee, in all likelihood that is fatal to the privileged status of the budget resolution. That is not a risk we can afford to take as conferees. I am confident the conferees will not permit that. At the same time, I don't want people voting against the amendment of the Senator on a technicality that then is misrepresented as their position on the underlying position contained in this amendment.

With that, we have used as much time as we need on this amendment. Senator KERRY is next.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 732

Mr. KERRY. I thank the distinguished Senator.

That was one of the more intriguing half hours we have spent in the Senate in a long time. I might add, it is sort of interesting that we are haggling about an amendment which raises one of those great red herrings on the subject of global climate change and cap and trade because we already have a cap-and-trade system in America. It is not an automatic tax increase. It is not going to, if properly structured, result in a tax increase. We like to tilt against goblins around here sometimes. This is one of those amendments that do that in a very political way.

I ask that amendment No. 732 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LUGAR, Mr. LEAHY, Mr. VOINOVICH, Mr. DURBIN, Mr. KAUFMAN, Mr. MENENDEZ, Mr. DODD, Mrs. FEINSTEIN, Mr. BROWN, Mr. SANDERS, Mr. LIEBERMAN, Mr. CASEY, and Mr. CORKER, proposes an amendment numbered 732.

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

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

The amendment is as follows:

(Purpose: To restore full funding for the President's request for the international affairs budget, in support of development programs in Pakistan and Afghanistan, nuclear nonproliferation, foreign assistance, fighting global AIDS, promoting sustainable development, and other efforts, with an offset)

On page 10, line 20, increase the amount by $4,000,000,000.

On page 10, line 21, increase the amount by $1,896,000,000.

On page 10, line 25, increase the amount by $1,104,000,000.

On page 11, line 4, increase the amount by $476,000,000.

On page 11, line 8, increase the amount by $272,000,000.

On page 11, line 12, increase the amount by $116,000,000.

On page 27, line 23, decrease the amount by $4,000,000,000.

On page 27, line 24, decrease the amount by $1,896,000,000.

On page 28, line 3, decrease the amount by $1,104,000,000.

On page 28, line 7, decrease the amount by $476,000,000.

On page 28, line 11, decrease the amount by $272,000,000.

On page 28, line 15, decrease the amount by $116,000,000.

Mr. KERRY. Mr. President, over the first 9 years of this new century, we have learned a lot about national security. We learned the hard way in 2001. Since then, with two wars, one in Afghanistan and one in Pakistan, and also with the global economic crisis we face today, we understand the degree to which in a globalized world our problems are interconnected. Ultimately, our security is interconnected. We are currently endangered by weak states and failed states as well as by strong states because those weak and failed states become places where terrorism can flourish. We are endangered also by diseases that know no borders, by climate change half a world away. We are endangered when we allow chaos and crisis to create conditions for ideologies of radical hatred and violence to take root.

It is clear to all Members, who are, all of them, no matter what committee on which they serve, forced to think hard about how to protect our country, that it requires a lot more than just a strong military in order to provide that protection. It requires, above all, in this new world in which we live, a strengthened commitment to diplomacy and to development. To put this as simply and as bluntly as possible, that is why passing a robust foreign affairs budget is a matter not only of America's world leadership but also of our practical national security at home.

I call to the attention of my colleagues the words of Secretary of Defense Bob Gates spoken almost a year and a half ago in Kansas where he gave a speech while serving as President Bush's Secretary of Defense. What he said there is the following:

What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security—diplomacy, strategic communication, foreign assistance, civic action, and economic reconstruction and development.

The other day, I was told the story of our National Security Adviser, former Marine Commandant Jim Jones, who was commenting how we have powerful, enormous ships off the shores of Lebanon, but Hezbollah is building schools and building homes and winning the hearts and minds of people in that divided and volatile country by doing so. In effect, he described a situation where, as powerful as our military is, we are not able to win the contest for ideas at the center of security issues today.

Secretary of State Hillary Clinton, our former colleague, testified in her confirmation the following:

The relatively small but important amount of money we do spend on foreign aid is in the best interests of the American people and promotes our national security and advances our interests and reflects our values.

When our soldiers and generals join our top diplomats in demanding increased civilian capacity and increased civilian funding, even in the midst of this economic crisis, that is when you know there is not only a growing consensus, there is a sense of urgency behind the strengthening of our civilian mission.

We just had an elaborate, long period where I think three studies were commissioned by President Bush, and then President Obama recommissioned another evaluation of what is happening in Afghanistan and Pakistan. It is clear that we cannot achieve our objectives unless we have the kind of robust budget in the foreign affairs account President Obama asked for. Regrettably, that is not what the budget resolution currently calls for, even when we add the supplemental budgets to it. It falls about $4 billion short from the $53.8 billion the President asked for.

I believe that returning diplomacy and development to their rightful place is not going to be achieved by talking about it. It is going to take money to drive civilian foreign policy. If it keeps us safer, and it is the consensus of our military and our diplomats that it does that, then that is money well spent. Full funding of the President's international affairs budget is a vital step toward greater civilian capacity.

I urge colleagues to support this amendment. Senator LUGAR, Senators LEAHY, VOINOVICH, DURBIN, KAUFMAN, MENENDEZ, DODD, FEINSTEIN, BROWN, SANDERS, LIEBERMAN, CASEY, and CORKER have all joined together to cosponsor this amendment. We ask for the approval of the Senate to add $4 billion worth of funding to the President's fiscal year 2010 international affairs budget request for the function 150 account. There is an offset. The offset that would pay for this transfer would come from the function 920 account.

The reality is that we are just not doing enough today to invest in the vital components of both diplomacy and development. I was recently in the Middle East, in Egypt and Jordan and in the West Bank and Israel and Syria, Lebanon. I saw firsthand the degree to which people we support in many ways are struggling to push back against enormous spending by Iran and other actors who seek to destabilize the region. If the United States talks about democracy and doesn't support people in the same way the people trying to disrupt it do, we lose our credibility and, more importantly, we walk away from people who are literally putting their lives on the line to live up to the standards we have set and the beliefs we have espoused so powerfully.

It is extraordinary to me that the funding for the Department of Defense today, with all of these restraints we see on its ability to achieve our goals, as powerful as we know it is and as much as we admire the sacrifices and the extraordinary capability of our modern military—the fact is, we spent over half a trillion dollars on it. Then in 2008, the Army added about 7,000 soldiers to the total. I supported that. I believed we needed to do that to relieve pressure on the current deployments. But 7,000 soldiers is more people than serve in the entire Foreign Service every year all the time. The fact is, 1,100 Foreign Service officers could be hired for the cost of a single C–17 military cargo plane, and $4 billion, which is what we are looking for here, is less than 2 percent of what the Government has given to AIG over the course of the last year and a half.

This is a vital context to put this discussion into. We have to decide around here what is really important to us. What really makes a difference to the security and safety of the American people? The President requested $53.8 billion in this year to fund next year's budget. That is an increase of 8 percent over last year's funding level of 49.8.

Why is this so important? Well, first of all, let me put this in context, if I can. The total request of the President for this entire context of America's security comes to about 1.4 percent of our whole budget. In fact, if you break out the entire national security budget, which is our defense, homeland security, all the components of security, you are only talking about 6.8 percent of the entire national security budget of our country for some of the most important things that prevent people from becoming terrorists or from being able to engage in their terrorist acts with impunity.

Some people try to assert that the President's request has increased 41 percent from last year's total of $38 billion. Let me say very clearly, right now, that is not accurate. The figure of $38 billion does not include last year's supplemental appropriations. And those supplemental appropriations raised the total to about $50 billion.

What President Obama did was break the practice of past Presidents of sending in a phony half budget or a three-quarter budget and then we do the rest of it through the supplementals. He decided the American people ought to see

it as it is, they ought to know what we are doing, we ought to make the request we need. So he put in the request for the $53 billion because that is, in fact, reflecting what we actually spent last year, plus what we need to do for Afghanistan and Pakistan in this year. This is a more straightforward way of doing business, frankly. Rather than hiding the amount of money or massaging the spending figures by tucking extra spending into the supplemental bills, President Obama has been up front and open, and he has put it into one bill and says: Here is what I need. That is why my colleague, the chairman of the Budget Committee, who labors unbelievably hard under these difficult circumstances to make all this work—and I respect him enormously in those efforts—has praised President Obama's approach in this openness.

So the real question is sort of, What is this $4 billion going to get us? What is the difference it is going to make? First of all, we have a vital new package the President announced yesterday that Senator LUGAR and I will be introducing in a few days to provide additional assistance for Pakistan and Afghanistan. The $4 billion is going to help build civilian capacity and put our diplomats back on the front lines of American foreign policy. It will provide lifesaving treatment for people with HIV/AIDS and continue the program that was perhaps the single most successful program of the Bush administration, which is the PEPFAR efforts in Africa. This $4 billion will help make people all over the world safer and in the process help keep America safer.

Ultimately, these kinds of efforts are the key to the strategy in Afghanistan. Our on-the-ground ability to be able to win, hold, and build is the whole strategy to be able to win people back over to us and prevent the Taliban from supplanting or filling the vacuum that currently exists.

We need to reverse years of neglect in those two countries. Pakistan has nuclear weapons. We just saw the other day an attack on police recruits in the heart of Pakistan itself—not out in the Fatah or in Baluchistan or the areas we know are harder to control. So we see that insurgency with a message clearly sent that they can act with impunity. So it is critical for the United States to step up and show President Zardari and the Government of Pakistan, who are courageously trying to forge forward with their youthful democracy, that, in fact, we are supportive and we are there to help them.

I ask my colleagues to imagine a nation as populous as Iraq, Afghanistan, and North Korea combined, a nation with a full arsenal of nuclear weapons and ballistic missiles capable of delivering them anywhere in a 1,000-kilometer range. Imagine a nation with a population that is overwhelmingly moderate, overwhelmingly committed to democracy and the rule of law, but deeply suspicious of its leadership and of America's friendship. Imagine a nation in which Osama bin Laden and the leadership of al-Qaida have found sanctuary for the past 7 years—a haven from which they and their confederates have plotted and carried out attacks on their host country, on neighboring countries, and on sites around the globe. That nation can serve as a keystone for a new, cooperative relationship between the Western and Muslim worlds, or, if we do not do our job, it could become an epicenter for radicalism and violence on a cataclysmic scale.

So I believe we are at a critical crossroads, and we need a bold new strategy for Pakistan. Our current path has not brought success, and tinkering around the margins is absolutely guaranteed to fail. That is why President Obama has called on Congress to pass the Enhanced Partnership With Pakistan Act that Senator LUGAR and I will introduce very soon that authorizes up to $1.5 billion annually in order to help shape this new relationship with Pakistan.

We also might mention again the importance of standing up with respect to Iran. When you look back at what happened in the war with Israel and Lebanon, the southern part of the country of Lebanon was significantly damaged. Iran, using its surrogate Hezbollah, immediately painted flags on the houses—their flags, Hezbollah flags—and essentially asserted: Don't worry, we are here, and we are going to rebuild this.

So last year both parties came together. We had 73 votes to pull together, in addition to the budget, to provide $48 billion over 5 years. Today, it is imperative that we fund these programs, and I ask my colleagues for their support for this amendment.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, when the Senator approached me about this yesterday, I told him I would strongly oppose this amendment. I told him that because this has been hard to put together, and we have tried to have an equal sharing of sacrifice between all of the spending elements of a budget. We have tried to do it with respect to domestic spending, defense spending. We have tried to do it with mandatory spending. And international is a component of the discretionary side of the budget, so we thought it would only be fair that they be asked to make a contribution.

When I told the Senator yesterday that I would strongly resist this amendment, I did not know, I was not aware, he had an offset for that amendment, and that does alter the situation. That makes it more palatable because we maintain the same bottom line.

But it does concern me that we are upsetting the balance of what I think is a fair distribution of the pain of the cutbacks we have had to make. I want to be very clear about that. I am concerned that other parts of the budget are being asked to take reductions from the President's request and now international will not. So I want to say I find that troubling.

I understand absolutely the substance of the argument the Senator is making, and he is right to make it. He is chairman of the Foreign Relations Committee. But I do hope colleagues think carefully about kind of the equity of the burden here—the equity of the burden.

The second thing I want to say with respect to this amendment is that it uses a 920 offset. We came out of the committee with about $7 billion in savings in 920. That is general overhead of all of the agencies; in other words, it is across the board, goes to their travel accounts, goes to their overhead accounts. Could we take somewhat more in 920? Yes, but not much more.

We came out of the committee at $7 billion. I have always tried to stay at about $10 billion in 920. This would take us to $11 billion. So I am troubled by that as well.

With that said, I do not intend to oppose this amendment, but I do find it troubling on those two grounds: One, it does affect the fairness of the distribution of the pain, if you will, of the cutbacks we have had to make; and No. 2, it adds to the section 920 offsets in a way that, to me, takes it a little past the realm of what is reasonable. But with that said, I do not intend to oppose this amendment or ask colleagues to vote against it.

I yield the floor.

Mr. President, Senator CORNYN is next. Senator CORNYN has another one of these corrosive amendments. I told Senator CORNYN, this is the third year he has offered a corrosive amendment, that he is very much in danger of being dubbed ''Corrosive CORNYN.'' I hope he takes that with the good humor it was intended.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the new moniker the distinguished chairman of the Budget Committee is trying to confer on me, but I would say it is not warranted for a number of reasons. The chairman has a great sense of humor, which I appreciate sometimes and not as much on other occasions.

AMENDMENT NO. 806

Mr. President, I ask unanimous consent to set aside the pending amendment and to call up my amendment No. 806 and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 806.

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

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

The amendment is as follows:

(Purpose: To protect small businesses from higher taxes)

At the end of subtitle A of title III, insert the following:

SEC. . POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(b) DEFINITION.—In this section, the term ''Federal income tax rates'' means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

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

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

Mr. CORNYN. Mr. President, my colleagues, when they listen to what my amendment does, are going to experience a sense of deja vu. As the chairman says, we have been here before. As a matter of fact, 2 years ago, when I offered this amendment, which would create a budget point of order requiring 60 votes for any legislation that would raise taxes on small businesses—a couple years ago—we got 63 votes for that amendment, including these Democrats, as shown on this chart, folks on the other side of the aisle, making this a truly bipartisan proposal. Two years ago, when we had the same amendment offered, we had a little bit different group, but 58 Senators, representing a bipartisan majority of the Senate, believed it was a correct move to limit this Congress's ability to raise taxes on small businesses.

I know the chairman has raised this issue of corrosive but not fatal to the privileged status of the budget resolution, and I have some answers. We have corresponded with the Parliamentarian, and he has been good to give us some guidance, and I think there is a pathway for us to move forward for the conference committee to consider this amendment and to perhaps modify it in the conference and yet sustain its viability as a budget point of order for a tax increase on small businesses.

Why are we focusing on small businesses? Well, almost 400,000 small businesses in Texas, my State, employ about 4 million people. Frankly, as the chief job-creation engine of our country, small businesses disproportionately add to the job creation in our country, and I think it would do nothing but destroy or certainly impair their ability to continue to create jobs in this country by raising taxes on small businesses. So I think it is appropriate, before we do, that we have an extra hurdle—at least 60 votes—to waive any budget point of order to make us consider the seriousness of our decision and also the ramifications of any tax increase on small businesses.

Last month, I visited Tyler, TX. That is in East Texas, a midsized city of over 100,000 people, where I had the chance to sit down and visit with local business leaders, community leaders, about how the economy is going, unemployment rates—the things we could do here in Washington to perhaps make those businesses' job-creation capability a little easier. I met with Don Thedford, who 30 years ago opened a business called Don's TV and Appliance. He did that 30 years ago with just one other employee; in other words, there were just two of them. Today, Don's business has 50 employees who sell and service appliances and electronics.

Don was able to grow his business early in this decade in part because of the tax relief we passed in 2001 and 2003. Since 2000, Don has hired eight additional workers to install and deliver appliances, seven more service technicians, six more clerical workers, four more sales people, and two more in management. So this is the kind of job creation we love to see: 30 years ago, two people; now 50 people working productively in this small business. Don has also added a new retirement plan for all of his employees, in addition to the health benefits he has offered to his employees for years.

As have many small businesses in this recession, he has seen his sales fall off. Of course, when families aren't buying and selling as many homes, there is less demand for appliances and electronics. Higher taxes would force Don, as well as other small businesses, to lay off some employees he has hired and scale back on some of the benefits he has offered, including health care.

We know more than half of the small businesses with 20 or more employees will get hit with a tax increase under President Obama's budget proposal. We also know, as I indicated earlier, small businesses create a majority of the net new jobs we have seen over the past decade, and two-thirds of those jobs were created by businesses similar to those that are now threatened by a proposed tax increase. Given the administration's stated goal and, indeed, our stated goal—I don't know any Member of the Senate who doesn't come to the floor and say we need to help our employers create and certainly, at least, retain the jobs they have in this down cycle—I am left wondering why anyone would oppose this budget point of order that would make it harder to raise taxes on small businesses because I know we all appreciate, intuitively and otherwise, that raising taxes on small businesses would be counterproductive to our ultimate goal of job creation.

I have said this every time I have offered this amendment—and now it is the third time—that this point of order is an insurance policy when Congress decides to look at the pocketbook of small business owners such as Don for more money instead of looking for ways to eliminate waste and fraud and abuse in Government programs. We know the Office of Management and Budget has reviewed more than 1,000 Government programs and found 20 percent of them to be nonperforming. Why don't we look for ways to save money by eliminating that waste and nonperforming programs as opposed to raising taxes on the chief job creators in our economy? Raising taxes before we eliminate wasteful spending or fix the ones that are broken is the wrong signal to our No. 1 job creators.

I share the chairman's concern, of course, about the debt. In fact, I offered an amendment in the Budget Committee that would have reduced it by more than $55 billion but, unfortunately, it was defeated by a party-line vote. But with concerns that families and small businesses have about the economy, now is not the time to increase taxes.

As former Chief Justice John Marshall noted, ''The power to tax is the power to destroy.'' We should not use this power to destroy small businesses such as Don's.

For this reason, I ask my colleagues once again to sign on to this amendment and to join me in voting with the same sort of bipartisan support that we have enjoyed the past two times this amendment has been offered and pass it as a statement of this body that we are going to be extra careful and take extra precautions and look for alternatives before we end up raising taxes on small businesses because that would be exactly the wrong prescription for what ails this economy.

Finally, let me say I know the concerns the Budget chairman, the bill manager, has on the privileged nature of this budget resolution. But I suggest to him that this is something that if the amendment is passed, he can take up, and the conference committee can take up and modify the amendment while retaining its essential core principles and eliminate the concerns the Parliamentarian has voiced about this being corrosive, if not fatal, to the privileged nature of the budget resolution.

So it is my hope, when we have an opportunity to vote on this, that we will get a strong bipartisan statement out of the Senate that we are not going to raise taxes on small businesses without at least the deliberation required and the overwhelming vote of 60 Senators to do so because it would be exactly the wrong thing to do in this economic downturn.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this amendment creates the same issue the previous amendment created, the Ensign amendment, and that is because it is overly prescriptive in terms of the Finance Committee, it puts at risk the privileged status of the budget resolution. So I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. CONRAD. Parliamentary inquiry: If this amendment were adopted but not brought back from conference committee, would the privileged status of the budget resolution remain intact?

The PRESIDING OFFICER. It would.

Mr. CONRAD. I thank the Chair. I thank the Parliamentarian.

Mr. President, we have Senator LINCOLN who will be on her way momentarily, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. 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. 775

Mrs. LINCOLN. Mr. President, I will soon call up amendment No. 775, which is one of the amendments I filed on the budget.

This is a simple amendment. It is to ask that we make an investment that would reflect our Nation's commitment to the men and women serving in our Nation's Selected Reserve.

The amendment I offer with Senators CRAPO and KLOBUCHAR would create room in the budget to ''enhance future GI Bill benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition.''

Since its inception in 1984, the Selected Reserve GI bill has served as an important tool for recruiting young men and women into the National Guard and Reserves. Those who initially join for 6 years are automatically entitled to these benefits and the current monthly rate of $329 for full-time study and training.

Unfortunately, however, Selected Reserve GI bill benefit rates are simply not reflective of the critical role guardsmen and reservists play in today's military. Since September 11, 2001, these benefits have increased an average of less than 3 percent each year.

As so many people know, the Guard, Reserve, and Selected Reserve are doing a tremendous duty now that is much different than what it was pre-9/11.

They have also not kept pace with the Active-Duty GI bill benefit increases—plunging in value from the historic benchmark of 48 percent of the Active-Duty GI bill to just 25 percent today.

By failing to make an appropriate investment in the men and women of our National Guard and Reserves, this trend sends a very poor message that the Reserve component is being devalued.

Given the current economic climate, it is imperative we make a greater investment in these fabulous men and women who serve us from each of our States in the Guard and Reserves. The rising price of higher education, increases in the interest rates on student loans, and the limited earnings ability of those with only high school credentials make educational benefits a primary means of investing in our future. During tough economic times, they may also face increased competition for financial aid dollars as our colleges and universities see more applicants.

As we know, an increasingly competitive job market encourages more high school graduates to pursue higher education rather than risk finding stable employment. At the same time, more working adults are going back to school to gain additional skills to make them more marketable. We want to encourage our Guard and Reserves, and we want to encourage our Selected Reservists to take advantage of educational opportunities to further their positions in the Guard and Reserves but also to be able to further their positions in business and in industry and where they are going to be working in our communities.

Last year, Congress made a tremendous investment in our men and women in uniform by passing a 21st century GI bill that greatly expanded GI bill benefits and made college more affordable for servicemembers and veterans.

Senators WEBB, AKAKA, and others deserve our gratitude for their tremendous leadership on that issue.

For Active-Duty servicemembers and Reservists called to Active Duty for more than 90 days, these benefits will be absolutely critical.

My State of Arkansas has recently welcomed home over 3,000 National Guardsmen from a 1-year tour in Iraq. For many of them, it was their second tour in just 3 years. I am proud we will be providing them with education benefits that are more commensurate with their increased service to our great Nation.

One of the provisions of the newly enhanced GI bill will tie the Active-Duty GI bill rate to the national average cost of tuition.

My amendment would simply create budget room to do the same thing for the Selected Reserve GI bill. Therefore, when the national average cost of tuition increases, Selected Reserve GI bill rates would increase by the same percentage, making sure they keep up as we move forward, as opposed to continually falling behind in their percentage rate toward educational benefits for the Selected Reserve.

This required increase is very modest. Yet it would send a powerful message to the men and women serving in our Nation's Selected Reserve.

Our military simply could not function without them—particularly in today's world. While those who are activated and sent overseas deserve our utmost respect and gratitude, we must also not forget the thousands of men and women at armories and bases all across our States who serve a critical role in making sure other members of their units are qualified and ready to deploy.

They are the police officers, the doctors, the schoolteachers, the mayors, and the neighborhood pharmacists in communities across our Nation.

Providing enhanced Selected Service GI bill benefits makes an investment in these men and women who are not only holding up the economies in our local small communities across the States in this great Nation, but they are also willing to serve in a military fashion that is much needed to back up those men and women who are deployed. It also enhances the GI bill to more effectively serve as a recruitment and retention tool for our Armed Forces.

Ultimately, it enhances our Nation's competitiveness through the development of a more highly educated and productive workforce.

As the daughter of a Korean war veteran, who was an infantryman, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free. I have been grateful all my life, and continue to be, as my colleagues are, for the service of so many of our brave men and women, particularly from Arkansas and certainly across the Nation.

I urge my colleagues to support this amendment. It is the least we can do for those to whom we owe so much and to reassure future generations that a grateful nation will provide for them should they devote themselves to serving our Nation in uniform.

I appreciate the time I have had today to bring up this amendment. I look forward to being able to talk on other amendments when the time is available.

Mr. President, at this point, under the previous order, I ask unanimous consent that the pending amendment be set aside in order to call up my amendment No. 775.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] on behalf of herself, Mr. CRAPO, and Ms. KLOBUCHAR, proposes an amendment numbered 775.

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

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

The amendment is as follows:

(Purpose: To enhance future GI Bill benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition)

On page 41, line 24, insert after ''Indemnity Compensation,'' the following: ''enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition,''.

Mrs. LINCOLN. Mr. President, I yield the floor.

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

Mr. CONRAD. Mr. President, I thank the Senator for her amendment. It is a very well-thought-out amendment. We appreciate her raising it and it will be in order.

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

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

Mr. CONRAD. Mr. President, I know the Senator from Arkansas has a second amendment. It is not formally in the queue, but she is free to talk about it at this time. I am happy to yield her time to do that—to talk about it at this time but not call it up.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I wish to thank the chairman of the Budget Committee and the ranking member, Senator GREGG, for being so thoughtful in this debate. I continue to especially compliment the chairman on coming up with an incredible balance in the budget, having worked so hard to reflect what so many of us want to see and the President's priorities. I think he has has done a remarkable job focusing on the priorities that many of us and the President feel are very important to focus on now and to do it with such a fiscally responsible as well as a very balanced approach. I think he has reached a tremendous balance. I applaud him and his staff and all those who have worked on this budget. I do believe they have come up with a good, sound proposal, something that reflects so much of what we want to see happening in this great country.

I rise to support an amendment that I will be offering, which is filed, but I will bring it up later. It will be offered on behalf of approximately 500,000 foster children across our Nation, and the foster, kinship, and adoptive parents who play such a crucial role in their lives.

My amendment would create room in the budget for making improvements to our child welfare system and specifically for additional efforts to recruit and retain more foster families.

I am so grateful to be joined in this effort by Senator COLLINS from Maine and Senator LANDRIEU from Louisiana, who have long been tremendous advocates on behalf of our Nation's foster children.

As we all know, our States face ongoing challenges in recruiting and retaining families to care for children in our foster care system. Tragically, while the number of children coming into the system has increased in recent years, the number of foster families has steadily decreased. All anybody has to do is look at the economy around us. Working families are struggling. Unfortunately, those hard-working families, who are the diligent, giving souls who open their homes to foster children to embrace and love them and to give them a home, are struggling as much, if not more than, anybody else, and their ability to open their hearts and homes is being restricted by this economy.

With nearly 25 percent of families leaving the system each year, we simply cannot sustain these losses. In my State of Arkansas, we are grateful for our 1,200 foster families, but we desperately need more to cover the number of children in need.

Given the current economic climate, many of these parents, most of whom are low- to middle-income families, have experienced tremendous difficulties maintaining employment and providing for their families. That makes them even more hesitant to take on the additional responsibilities of caring for a foster child. This problem will only exacerbate unless we do something to stem the tide.

My amendment would allow for initiatives, such as the grant program provided under the Resource Family Recruitment and Retention Act, a bipartisan bill I have introduced with six of my Senate colleagues.

Specifically, this grant program would provide States more opportunities to develop innovative methods of education and support for resource families.

Among other demonstration projects, it would also allow States to establish peer-to-peer support and mentoring groups; programs to provide foster families with reliable and accessible respite care to help them avoid burnout. We are seeing, as they put more and more of their resources and energies and more and more of their hearts and souls into wanting to reach out to foster children and bring them into their homes, a tremendous amount of burnout. We also want to train them to care for children with special needs, which is, again, a growing need among foster children.

As lawmakers, it is our role to honor the critical role that foster families play in the lives of foster youth and provide them with the services and the support they need. Foster children seek nothing more than a safe, loving, and permanent home, and resource families often help address this need. By strengthening efforts to recruit and retain these families, we also enhance our best tool to recruit other families and retain prospective adoptive resources.

As Members of this body, we have an obligation to do right by those we represent each and every day. We also have a moral obligation to do everything we can on behalf of the most vulnerable in our society.

For the over 500,000 children who are in foster care today, and many more who are headed into the foster care system, the many thousands of families who have provided them with the love and support they desperately need, it is the least we can do.

I call on my colleagues to join me in this effort to make sure we recognize that in these difficult economic times, we have multitudes of good American families, hard-working families who want to do what is right, who want to reach out and help these children who need a loving home. We need to provide the help in order for them to do that.

Mr. President, I yield the floor.

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

Mr. GREGG. Mr. President, before the Senator leaves the floor, we would be amenable to taking both of the Senator's amendments by unanimous consent if she is amenable to that.

Mrs. LINCOLN. Absolutely. How grateful.

Mr. GREGG. Has the Senator called up her second amendment? I suggest she call it up.

AMENDMENT NO. 774

Mrs. LINCOLN. Mr. President, I believe under the previous order I need to also ask unanimous consent that the pending amendment be set aside in order to call up my second amendment, which is amendment No. 774.

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

The bill clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. COLLINS, and Ms. LANDRIEU, proposes an amendment numbered 774.

The amendment is as follows:

(Purpose: To provide a deficit-neutral reserve fund for improving child welfare)

At the end of title II, add the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING CHILD WELFARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. GREGG. Mr. President, I ask unanimous consent that the two amendments recently called up by the Senator from Arkansas be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments are agreed to.

The amendments (Nos. 774 and 775) were agreed to.

Mrs. LINCOLN. I thank my colleagues.

Mr. CONRAD. I thank the Senator. I thank our colleague, the ranking member, as well.

In terms of the unanimous consent agreement, the next amendment is the Gregg amendment?

The ACTING PRESIDENT pro tempore. The Gregg amendment; that is correct.

Mr. CONRAD. Senator GREGG.

Mr. GREGG. Mr. President, just to clarify the procedure, as I understand it, we will go to my amendment which deals with a task force on how we deal with entitlement reform, tax reform, and the amendment after that will be Senator KYL's amendment on health care rationing. Then I think we take a break. I am not sure about that, but I believe there will be a break. Then there will be a series of votes on the pending amendments. After the votes—this is not in the form of a request; it is a statement of where we are—we will be going to Senator MCCAIN, who has an amendment. From there we still have not decided.

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

Mr. CONRAD. Mr. President, I note that we also have a Shaheen amendment after the Kyl amendment.

Mr. GREGG. Correct.

Mr. GREGG. Should we lock that in? Can I get the chairman's attention? Can we lock in that order?

Mr. CONRAD. Mr. President, why doesn't the Senator proceed.

AMENDMENT NO. 835

Mr. GREGG. Mr. President, I ask the clerk to report my amendment. I ask unanimous consent to set aside the pending amendment.

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

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. MCCONNELL, Mr. VOINOVICH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. ENZI, and Mr. LIEBERMAN, proposes an amendment numbered 835.

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

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

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to address our Nations long term fiscal problems)

On page 49, between lines 3 and 4, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS OUR NATIONS LONG TERM FISCAL PROBLEMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party, legislative recommendations to address those imbalances, and provides legislative fast track procedures to ensure a vote on the legislative recommendations, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. GREGG. Mr. President, this is actually a pretty significant amendment. In fact, it is a very significant amendment if we are able to follow through on its purposes. It is something the chairman and I have worked on a great deal for a number of years. I believe, and I think I speak correctly that the chairman believes, our problems in this Nation relative to the cost of the Government in the years to come, especially as we move into the full retirement of the baby boom population, are extraordinary; that we are facing massive amounts of expenditures to support the baby boom generation in retirement.

As we know, the baby boom generation essentially doubles from 35 million to 70 million. The cost of the entitlement programs that support that generation and others simply overwhelm the ability of the Government to pay those programs and forces us into a situation where the debt of the Government will overwhelm our children.

The discussion on this issue has been broad and extensive in our Nation, carried forward in large part by a number of citizen groups which are totally dedicated to trying to address constructive action in this area, especially the Peterson Group, which is headed by the former Comptroller General, David Walker.

This amendment is an attempt to start addressing that issue sooner rather than later through a task force procedure. But it is not your typical task force. We have all seen commissions and task forces. In fact, on these specific issues—Medicare reform, Social Security reform, and tax reform—we have seen a lot of task forces. This is a little different—substantially very different.

Essentially, what this does is create a task force which is bipartisan so there can be no question about everybody being at the table and everybody having a fair hearing of their views, which involves the players who are involved in the decision process—Members of Congress and members of the administration.

The idea is to set up a procedure where that task force reaches agreements, hopefully, on issues such as reforming Social Security, so we continue to deliver high-quality Social Security benefits to our retirees, reforming Medicare along the same lines so people continue to get high-quality Medicare and health care who are retired, reforming our tax laws so we basically have the opportunity to make sure we have a tax law that works for the Nation and produces the revenues we need.

It moves down the road, coming forward with policy in all those areas so those programs, specifically the entitlement side—Social Security, Medicare, and Medicaid—become either solvent over their actuarial life or move dramatically down the road toward solvency.

The problem we have is those three programs alone—Social Security, Medicare, and Medicaid—presently have an unfunded liability of $60 trillion over their actuarial life. Mr. President, $60 trillion is a massive amount. The goal is to try to reduce that unfunded liability in a constructive way that allows the benefits to still be robust and reasonable, while the cost is affordable to the younger generation that has to pay those benefits through their tax burden.

The reason we have chosen this procedure is that we have concluded that if you put policy on the table initially, if you say, OK, we are going to change this element of Social Security or this element of Medicare or this element of tax law, there are constituencies in this city who immediately surround you and start shooting at you for a variety of reasons. Some genuinely disagree with the policy. Much of it is essentially the way Washington works. There are a lot of constituency groups in the city that basically generate their revenues from the fact that they are able to create concern amongst the people who participate in their group. And as a result of our putting a policy on the table—somebody putting a policy on the table—they try to use that as a mechanism to generate concern and raise money for their organization.

It has never worked. A lot of different people tried putting the policy on the table first. All that happens is everybody goes to their corners and starts shooting away. What we have concluded is we should have a procedure that drives the policy, and it is a procedure that leads to policy action.

So this task force, which will be absolutely bipartisan in its makeup, would be required to report in a way that is absolutely bipartisan, which is what is critical, so their report would be seen and would be actually fair and bipartisan. We would have a series of initiatives, of policies, which would then come to the Congress and have to be voted on with supermajorities. It would have to be voted on what is known as fast track around here, where there is no way to avoid voting on it and where you cannot hide behind amendments. You actually have to vote up or down on the various policies proposed by this task force. Then, of course, it would go to the President. He would have the right to veto it if he did not like it, but it would get to the President because it would be a fast-track event. It would lead to action on these core issues that are really at the essence of our problems as a society relative to going forward and being fiscally sound as a nation and also being able to take care of people who are retired and make sure our children have a nation they can afford and a government they can afford. It is a pretty significant step if we were able to pursue this course.

I congratulate the chairman for being a force on this issue for many years.

That is basically the amendment, which essentially says we want to pursue that course of action. It, unfortunately, does not legally create this

event because that type of an action would require legislation, and as those who follow the budget process know, the budget is not signed by the President. It is a resolution; it is not a bill. In order to execute on this, it would require an actual piece of legislation signed by the President. But this amendment makes a fairly definitive statement that this is the course of action we need to get about doing. We do need to get about doing it. We do need to.

I think it is a positive statement on a very critical issue. If we were to do this, if we were to actually pursue this initiative on a task force as the chairman and I have talked about for a while, my goodness, we would be doing good work for the American people. We really would. We would be taking on what is so critical to making sure we pass on to our kids a better nation.

I hope it will be supported. It has bipartisan support. My primary cosponsors are Senators LIEBERMAN and VOINOVICH. I have been working with the chairman. Hopefully, he is reasonably comfortable with it. As we move down the road, hopefully we can accomplish this.

Mr. President, I ask of my time—not at this point, but at some point down the road that is convenient to the chairman and myself in the debate—that 5 minutes be reserved for the Senator from Ohio, Mr. VOINOVICH, so he can speak on this matter.

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

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a painful moment for me because I subscribe to virtually every element of what Senator GREGG is proposing, with one exception. The exception is on page 2, this reference ''in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party. . . .''

That is something to which I have not agreed, could not agree. I think that alters in a very significant way the dynamic.

Senator GREGG and I embarked on this effort several years ago. At that point, with Republicans in control of the White House and Democrats in control of the House and the Senate, we agreed to a formulation that the majority in the House would get four Members, the minority three, the same in the Senate, four and three, and there be two representatives of the administration. That is 16 in total, and it would have been eight Democrats and eight Republicans.

The problem that has happened since—and it would take 12 of the 16 to report. That means you could have all the Democrats and half the Republicans or vice versa. You could have all the Republicans and half the Democrats, and with that number, you could bring the matter to the Senate for a vote.

What has happened in the interval? Democrats have captured control of the White House, as well as increased the numbers in the House and the Senate. So now to have a requirement to have a majority approval of each participating party I think is unreasonable. I think it is unreasonable and is not in keeping with the formula to which we had originally agreed.

Why is it unreasonable? Because Republicans don't have a majority in the House or the Senate and don't control the White House, yet all of a sudden it takes a majority of them to agree on a solution for our long-term fiscal problems. That just gives disproportionate power to the minority, and a minority that is not only a minority in the House and the Senate but a party that does not control the White House either. So I could not support that. If that were not part of this, I would have a different view because then it would be very much in line with what we have talked about for several years.

Let me go to the basic concept because the basic concept I do support, the basic concept being that we have to have some special process in order to address these long-term fiscal imbalances. You are never going to do it in a 5-year budget resolution. You can make a downpayment there and you can certainly get going in the right direction, which I think we do in this budget resolution, but Senator GREGG, when he says you have to have a process to get to a policy, I believe, is exactly right. I don't believe anybody who leads with a policy is going to get an answer here. I believe it is going to take a process to get there. But I think it has to be a process that recognizes the political reality of this moment in time. At this moment in time, Democrats are in control of the White House as well as the House and the Senate. So to put in a clause that the bipartisan task force, in order to report, has to have majority approval of each participating party simply goes beyond what I have agreed to in the past or what I could agree to now. So I would be constrained to object to the passage of this proposal as written.

Mr. GREGG. Mr. President, I would just note on this number—because the number is important—that I disagree with the logic here that the chairman has put forth because the purpose is bipartisanship. It is not that one party controls the Government or the other party controls the Government; the whole purpose here is to get bipartisanship so that the American people are confident that whatever this task force reports is fair because this task force is going to have very significant authority and extra legislative authority, and it is not going to work unless people are comfortable.

Regrettably, under the format the chairman is talking about, you would only need two of the six Republicans. There would only be 6 of the 16 who would be Republicans, and only 2 would have to vote with the majority in order to report it, and that means that doesn't work. You don't end up with bipartisanship that way, I don't think. That is why a majority vote means you would have to have four of the six Republicans vote with it, and one presumes that is not going to be the problem. Hopefully, all 6 and all 10—all 16—will be voting for whatever the proposal is.

You can't create a situation where one side will be viewed as having the capacity to roll the other side within this task force. That is the opposite of the purpose of a task force. That is why we went to this proposal. In fact, the original concept was 16—8 and 8—back when the Democratic Party controlled the Congress and we controlled the administration, and with the 8 and 8 split, it took 4 members of either party—half of either party's membership on the task force—to vote for it. So that concept of having a commitment of the membership from both sides to the bill—at least the majority of both sides—is something we have actually had in the past.

In any event, I would regret it if the chairman opposes this because I think it will undermine our ability to move forward. But I see Senator KYL is here, and he has the next amendment.

Mr. CONRAD. Mr. President, just to review the history, because I don't agree with what was just described, in our original formulation it was 16, and 14 were Members of Congress, with the majority in the Senate getting 4 Members, the minority 3; the same in the House, the majority 4, the minority 3; two representatives of the administration, which was then the Bush administration. That meant 16 in total—8 Democrats and 8 Republicans—and it would take 12 to issue a report, 12 of the 16. That meant, at that time, that you could have all Democrats and half the Republicans or all the Republicans and half the Democrats.

Now fast-forward to this year. In our negotiations, despite the fact that our previous formula, instead of producing an 8–8, would now produce 10–6 Democrats to Republicans because the Democrats have just won the White House and the White House was to have two representatives, I agreed to alter that and to go from 10–6 Democrats to Republicans to 9–6 Democrats to Republicans but still have 12 to report. That would still mean you would have to have at least half of the Republicans. If you had all the Democrats, you would still have to have half of the Republicans. That, to me, is absolutely in keeping with what we had agreed to previously, where there were 16, it would take 12 to report, and since there were 8 Democrats and 8 Republicans, you would have to have at least half the Republicans, or if you had all the Republicans, you would have to have at least half the Democrats.

So I could not agree, and I just think, look, Democrats are never going to agree on a formulation, when they control the Senate, they control the House of Representatives, and they control the White House, Democrats are never going to agree that each party has to have a majority approval. I would never agree to that. I don't think it reflects the political reality that exists today. So I would reluctantly oppose it.

Mr. President, I think we are now at the time that we could go to Senator KYL.

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

Mr. KYL. I thank the chairman, and I ask unanimous consent to lay aside the pending amendment for the purpose of offering an amendment.

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

AMENDMENT NO. 793

Mr. KYL. Mr. President, at this time, I call up amendment No. 793, relating to comparative effectiveness research.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 793.

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

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

The amendment is as follows:

(Purpose: To protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and the treatment preferences of patients)

On page 31, line 9, insert ''does not curb growth in health care spending by using data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs, ensures that comparative effectiveness research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and the treatment preferences of patients, and'' after legislation.

Mr. KYL. Actually, Mr. President, the amendment is about as long as it took me to say that, but I will describe it nonetheless.

I hope this amendment will receive very strong bipartisan support because the entire essence of it is to ensure that nothing we have done so far here will allow health care in the United States to be rationed by the Federal Government. There is a reason for the concern, and I would like to discuss it.

First, of course, I would note that protecting the doctor-patient relationship and ensuring access to the highest quality medical care is fundamental to any health care reform effort. Comparative effectiveness research can be used to provide patients and doctors with information so that they may make informed health care decisions. For example, a study might compare a drug versus a surgery and determine that the drug is just as effective or even better at improving a patient's quality of life. But without appropriate safeguards, the Government may misuse comparative effectiveness research as a tool to ration or deny health care, and since private insurers tend to follow the Federal Government's lead, this has significant implications for all patients.

The American Recovery and Reinvestment Act of 2009—more commonly known as the stimulus bill—included $1.1 billion for comparative effectiveness research, and it created a national board called the Federal Coordinating Council to oversee that research. We all know the stimulus bill was written quickly and passed quickly and unfortunately, because of the phrasing there, we believe, could lead to unintended consequences. For example, nothing in the stimulus bill prevents the Government from using the $1.1 billion to compare the cost of health care treatments, even though the chairman of the Finance Committee tried to prevent that, nor would it prevent the Secretary of Health and Human Services from using the research to deny coverage of a health care treatment, or reject a one-size-fits-all approach to medicine, or protect advancements in genomics and personalized medicine, or require the Government to consider differences in patient treatment response or preferences, or account for the unique needs of health disparity populations—frequently minority populations.

Some may say: Oh, we will never ration health care in America. Well, don't take my word; take the word of our former colleague, Tom Daschle, who wrote a book. In his book, ''Critical: What We Can Do About the Health Care Crisis,'' he recommends that the United States follow the lead of other countries and use this cost-based research—the very research funded by the stimulus bill—to limit patients' access to care. And here is what he acknowledges in his book:

Doctors and patients might resent any encroachment on their ability to choose certain treatments, even if they are expensive or ineffective compared to alternatives.

Well, you are darned right they might resent it. Think about this a moment: Do you want Washington bureaucrats, such as those who brought you the AIG mess, making your health care decisions for you and your family? The answer, of course, is no, no rationing of health care.

Well, what is the real issue here? In February, the Wall Street Journal ran a story that chronicled patients' experiences with Canadian health care, which is a good comparison of what happens when government makes these kinds of decisions I am talking about. Let me share one of those stories:

In March 2005, Shona Holmes began losing her vision and experiencing headaches, anxiety attacks, extreme fatigue, and weight gain. An MRI showed that she had a brain tumor. The government told her that she would need to wait months before she could see a specialist about the brain tumor. By June, her vision had deteriorated so severely that she traveled to the Mayo Clinic in Arizona. The doctors told her that she needed immediate surgery to prevent permanent vision loss and potentially death. But the Canadian Government's solution was more doctors' appointments, more tests, more waiting time. Left with very few options, Ms. Holmes traveled back to Arizona and paid for her surgery out of her own pocket and had the necessary surgery.

In the British health care system, we have heard similar stories. They have an entity called NICE, which actually does the rationing, but it is not so nice. Take the word of the British Government Web site that describes the rationale for their rationing of health care:

With the rapid advancements in modern medicine, most people accept that no publicly funded health care system can possibly pay for every new medical treatment which becomes available. The enormous costs involved mean that choices have to be made. It makes sense to focus on treatments that improve the quality and/or length of someone's life and,—

And I stress this part, Mr. President——

at the same time, are an effective use of NHS resources.

That is the national health care service resources. They go on:

Each drug is considered on a case-by-case basis. Generally, however, if a treatment costs more than 20,000 to 30,000 pounds—

And that is an equivalent of 28,000 to 43,000 in U.S. dollars——

per quality adjusted life year, then it would not be considered cost effective.

So in other words, the British Government, not physicians and patients, sets the rules and makes health care decisions. And the British formula, in U.S. dollars, is that an extra year of your life is estimated to be worth no more than $28,000 to $43,000. So if the treatment exceeds that, you are out of luck. The Government decides whether your treatment is an effective use of its resources and puts a price tag on what an extra year of your life is worth.

This budget lays the foundation for doing precisely the same thing in the United States. Our view and the public's view is that the Government should not make these decisions. Only patients, in consultation with their physicians, should make these kinds of health care decisions about their lives.

Those decisions should not be dictated by a formula based upon Government research.

I would also just add this point. Cost-based research applied this way can be very shortsighted. It leads to a one-size-fits-all approach to medicine that

standardizes care for diverse patients who may have the same medical condition, which is completely contradictory to the efforts of today's leading scientists. Scientists—for example those at TGen in my home State of Arizona—are exploring exciting advancements in genomics and personalized medicine; in other words, the right drug for the right patient at the right time.

Personalized medicine will offer an entirely new approach to medicine, including more accurate assessments of disease risk, better predictions of response to treatment, and safe, more effective treatments. This research will lead to better health care for all patients and long-term savings in the cost of health care.

Unfortunately, the stimulus bill was written in such a way that it does not incorporate targeting therapies, and it could stall innovation. I believe this is our opportunity to act to ensure that no Washington bureaucrat makes health care decisions for patients or undermines the sacred doctor-patient relationship. Already our own U.S. Government is taking steps toward this result.

Last Thursday, the acting National Institutes of Health Director announced that the NIH may use the stimulus money to compare the cost of health care treatments. In fact, NIH released a list of research topic areas, many of which include a cost component. One of the topics is entitled ''Integrating Cost-Effectiveness Analysis into Clinical Research.'' Here is how the description reads. This should be chilling.

> [T]his initiative calls for the inclusion of rigorous cost-effectiveness analysis in the design and testing of new and innovative interventions. . . . Cost-effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic diseases.

The allocation of health resources is, of course, a euphemism for rationing. So this is not hypothetical. This is what our own Government proposes to do with this research. For some of the sickest patients suffering from chronic diseases, the Government wants to decide if their treatment is a good allocation of resources. It is clear that if Congress fails to protect patients, then comparative research will be used as a tool to ration care.

For this reason I have offered this pro-patient amendment that would send a clear message to the administration and clarify the Senate's intent regarding the stimulus funding. My amendment States two principles: No. 1, the Federal Government shall not use the data obtained from comparative effectiveness research to deny coverage of a health care treatment under a Federal health care program—very simple—and, No. 2, the Federal Government shall ensure that such research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and treatment preferences of patients.

We all agree with that. My amendment puts patients first. It is a nonpartisan issue. I do not know of anyone in this body who wants the Government to ration care or stifle innovation. I believe in the right of every American to choose the doctor, hospital, or health plan of their choice. No Washington bureaucrat should interfere with that right or substitute the Government's judgment for that of a physician.

I hope my colleagues will join me in standing for patients—all of us in America.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Kansas is recognized.

Mr. ROBERTS. Madam President, I rise today as a cosponsor and in support of the amendment offered by my friend from Arizona, Senator KYL. I thank the Senator for introducing the amendment on behalf of health care providers not only in Arizona and Kansas but all across the country, and, as a result, the patients they serve.

I think we all know we have marching orders, if I can describe it that way, from the administration and from others to complete health care reform this year. But the President has been a little vague about what he envisions, stating that he will leave the details to the Congress, and the devil is, indeed, in those details. Senator KYL has certainly pointed out one of the details that has to be fixed.

Let me be clear. I am not opposed to health care reform. I don't know who would be opposed to health care reform. But we must beware of what lurks under the banner of reform. I do support, as do many others, a system of affordable, accessible health care for all Americans. But I do not support a system that replaces the judgment of your doctor with that of a government agency, as described so ably by Senator KYL. For this reason I share the concern of the Senator regarding the implementation of something called comparative effectiveness research. I wish more of my colleagues were in the Chamber to listen to this—listen to the description of what could happen in regards to something called comparative effectiveness research. The acronym for that, by the way, is CER.

This gets in the woods of health care reform. Comparative effectiveness research, or CER, is simply research that compares the effectiveness of two or more health care services or treatments. CER is not necessarily a bad thing. In fact, it has the potential to provide benefits to medical science and also, obviously, to patients. However, with CER policy—again, the devil is in the details. When discussing the details of comparative effectiveness research, we need to focus on another term, ''least costly alternative.'' This is where comparative effectiveness research has the potential to have a huge and negative impact on patient and doctor choice.

If comparative effectiveness research is used to deem two health care services or treatments to be interchangeable, then CMS, within the Department of Health and Human Services, will be able to invoke the least costly alternative to only reimburse the health care provider based on the cost of the cheapest treatment.

One need not look any further than the Congressional Budget Office's Budget Options, Volume I, Health Care, written under the direction of OMB Director Orszag, to see that the use of least costly alternative authority to restrict doctors' decisions and ration health care is clearly on the table.

Here is a good example. One of the CBO health care budget options discussed the savings that could be realized if CMS applied Medicare's least costly alternative policy to include something called viscosupplements. You use viscosupplements to treat a degenerative joint disease of the knees called osteoarthritis. A lot of Senators have knee problems—not only weak knees but sometimes knees that need a little help. So even though CBO recognizes that there may be justifiable reasons your doctor would choose to provide one viscosupplement over another to help your knees, this option would allow the Government to use least costly alternative authority to interfere with and restrict your doctors's decision. This is very dangerous territory.

Rather than having to depend on the rigorous clinical trials conducted by the Food and Drug Administration, the CMS could use the much lower bar of comparative effectiveness research to declare that the two treatments are interchangeable and thus can be subject to the least costly alternative policy.

This type of Government interference in the doctor-patient decisionmaking process ignores the very large and important differences that exist among people, among patients—I think that should be obvious—in favor of a one-size-fits-all health care solution that could and would lead to rationing of health care.

Let this be a warning to all patients, all doctors, all hospitals, all nurses, all ambulance providers, all pharmacists, all home health care providers—all of the people who provide health care throughout America, rural and urban. You are on notice that this policy combination—comparative effectiveness research and least costly alternative—may be the Holy Grail of cost containment at the expense of patient care. That is what Senator KYL's amendment gets at.

My colleague's amendment prohibits the use of comparative effectiveness research to deny coverage of health care treatments under a Federal health program. It requires that comparative effectiveness research take into account

the individuals and their treatment responses and their preferences, and it does protect doctor and patient sovereignty over health care decisions.

For these reasons I urge my colleagues to vote yes on the Kyl amendment.

I yield the floor.

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

Mr. CONRAD. Madam President, when I hear the description of this amendment given by our colleagues on the other side, and then I read it—to me, there is a bit of a disconnect. I don't see comparative effectiveness. I have been involved in writing comparative effectiveness legislation with the chairman of the Finance Committee. I don't see that as having anything to do with rationing. I don't see that has having anything to do with rationing.

Comparative effectiveness research is really to determine what works in health care. It helps ascertain what are the treatment regimes that are most effective at treating different disease states. It is the scientific process.

It is exactly what happened in the revolution of modern medicine at Johns Hopkins back in the early 1900s, in the 19-teens, with respect to the application of the scientific method to medicine, to test what actually works because one of the things we know in medicine today is that we are using many strategies that simply are not effective—and that is in no one's interest. That is certainly not in the patient's interest. It is not in a hospital's interest or a clinic's interest.

What comparative effectiveness research is designed to do, at least that which the chairman of the Finance Committee and I have been involved in, is to get the research done and then get the information in the hands of caregivers and patients so they can make a determination as to what is the best course for treatment. It has nothing to do with our efforts in rationing health care—nothing at all.

The chairman of the Finance Committee is here, and I will yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, we in Congress this year are embarked on major efforts to enact health care reform. It is very much in the President's budget. President Obama very much wants to enact health care reform this year. There are provisions in the budget resolution to encourage us as a body, a Congress, to enact health care reform.

The basic reason is because it is so needed. It is incredibly important that our Nation enact health care reform this year. I am not going to get into all the details and the various provisions that we must enact in order to get meaningful health care reform. By meaningful health care reform, I mean controlling costs. I remind my colleague, we in America spend about $2.5, $2.6 trillion on health care. That is this year. If we do not do anything, those costs are going to almost double in 6 to 8 years.

We can't continue to spend what we do on health care. We spend almost twice as much as the next most expensive country. It is a huge cost of business. It is a very big cost to American business. American companies are becoming less competitive. Why? Because health care costs are too high; business costs are too high.

In addition, look at our Medicare budget. It is going out of sight. If we do nothing, if we don't curb our underlying Medicare budget costs, our budget, along with Medicaid, will probably double in another 8 or 9 or 10 years. That is unsustainable, to say nothing about individual costs to individual Americans, the personal costs, the family costs, the premium costs. We don't have a system in this country. We have a hodgepodge of lots of different functions—doctors, nurses, insurance companies, medical equipment suppliers, PMDs—everything is part of the system, and they are all trying to help supply health care, but because it is so disjointed we have a nonsystem where costs are just rising exponentially. We also have a nonsystem where 46 million Americans don't have health insurance, and about 25 million additional Americans are underinsured. It is ridiculous. This is the only industrialized country without health insurance. What we need is a solution which is uniquely an American solution.

We are not Canada, we are not Great Britain, we are not France, we are not Sweden, we are the United States of America. By ''uniquely American,'' I mean it should be a combination of public and private. That $2.6 trillion we spend today is divided half in private and half in public. We must find a way to curb costs, to get coverage to Americans retaining that uniquely American approach of private and public coverage.

We are working hard to try to find that solution. Part of the solution is reducing unnecessary costs and waste in our system. There is immense waste in the American health care system—immense waste. Basically, it is because of practice patterns, it is because of the way we reimburse on volume and quantity, not quality.

We have to move much more toward reimbursement; that is, paying doctors and hospitals on the basis of quality, not volume, and concepts such as bundling and medical home and health IT, which is in the budget, so we have information technology assistance to help, in several years, get to the point where we reduce health care cost.

But another is, frankly, comparative effectiveness. We need to know the comparative effectiveness of drugs, procedures, medical equipment, et cetera, so we get the best, highest quality, and we, therefore, will probably know which ones will tend to cost more than others. Doctors can make choices, patients can make choices, and insurance companies can make choices as to which procedure, which drug makes more sense. Basically, it is up to the doctor to decide which way makes the most sense.

Now, the effect of the Kyl amendment, as I understand, is, frankly, to say that you have to pay for a very costly procedure that somebody deems to be not only ineffective, it may be harmful, and you have to pay for it. That does not make sense. Rather, I think the Senator from Arizona agrees with me, we are trying to figure out a way to use comparative effectiveness to help doctors have more information, and hospitals more information, as to which works better, has higher quality, and works better when compared to something else.

We are going to have to get into issues such as evidence-based medicine to help determine quality. Lots of concepts here that make a lot of sense. But I wished to say that whereas the intention—I somewhat understand the intention of the amendment, somewhat. I do not entirely understand the intention of the amendment.

But the effect of the amendment is to say that a procedure—let me get this straight. The language does not curb growth in health care spending by using data obtained by comparative effectiveness. It says there can be a procedure determined to be totally ineffective or may be harmful, but it has to be used. The doctor has to use it. That does not make sense.

I think it is a doctor's choice as to whether, by looking at the various procedures, what makes more sense compared to something else, using the data we provide by this process. But that is still a doctor's choice. That doctor, he or she, that doctor should decide which of these makes the most sense.

Therefore, I think it makes much more sense, frankly, that this not be approved. It is not necessary. It kind of gets in the way.

Senator HATCH and I and Senators GRASSLEY and ENZI are introducing a comparative effectiveness amendment. It gets to what I think the Senator from Arizona wants us to move toward; that is, comparative effectiveness, where we look at comparative quality of procedures, which is what we are trying to do—not cost but quality.

There was a big dustup in the stimulus debate about comparative effectiveness because somebody thought we were putting a cost-benefit analysis in it. We are not. We took that out. I must say to my friends, I went to the mat, frankly, to make sure cost was taken out. We took it out. It is just comparing quality.

The bill I hope to introduce—working to get support from Senators GRASSLEY, HATCH, and ENZI—would take cost out. It is just looking at quality. That is what we want to do. It is based on quality.

I think the Senator from Arizona will be very happy with that bill we are going to be introducing because it gets

at what I think the Senator wants: Let's compare quality, but let's not put the cost component into it because that would not be appropriate at this time.

Mr. CONRAD. Madam President, if I might, what we would like to do is get a unanimous consent agreement. Would Senator BAUCUS want more time on this matter?

Mr. BAUCUS. No.

Mr. CONRAD. I ask unanimous consent that Senator KYL have an additional minute, that Senator COBURN have an additional 5 minutes. That would take us to close to 1 o'clock. I ask Senator ISAKSON, how much time would he need to call up his amendment? One minute. Then we would go to Senator ISAKSON for 1 minute to call up his amendment. Then we would go to Senator SHAHEEN. Senator SHAHEEN would have 20 minutes equally divided. Then we will make a further determination at that point.

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

The Senator from Arizona is recognized.

Mr. KYL. The chairman of the Finance Committee raised two points. I wish to make very clear that nothing in this amendment deals with the question of patient safety. For example, if FDA says a drug is not efficacious, then obviously you do not prescribe the drug. The doctor makes that decision. As the chairman said, it is the doctor's choice. That is precisely where we want to leave it.

The other question was, though: It is not necessary, it will just get in the way, nobody is intending to do that.

There are two responses to that. First of all, if nobody is intending to do it, then there is no problem in saying you cannot do it.

But, secondly, they are intending to do it. Here is a direct quotation from the Acting Director of the NIH less than 1 week ago.

Cost effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic diseases.

That is the purpose of it. It is not merely to decide what works, which is the good side of cost-effectiveness research, but to allocate health care resources. Allocating health care resources is another way of saying rationing of health care. If we all agree we do not want that, and we do not think anybody is going to try to do it, then what is the harm in having an amendment that says we are not going to do it?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, as somebody who is still practicing medicine, I wish to tell you, we see comparative effectiveness every day. We cannot even get recertified unless we know comparative effectiveness.

The NIH last year spent $267 million on comparative effectiveness research, not associated with cost but based on quality outcomes. What is in this bill is a short-term look to say who is going to cookie-cutter cut a way to practice medicine that a bureaucrat will say is the best way, rather than what the science says.

There is no question we have tons of waste. The biggest inhibition for anybody getting into the health care system today is cost. The chairman of the Finance Committee is right, there is tons of waste. The reason there is tons of waste is 61 percent of the health care in this country is controlled by the Government today.

I can document it fully, each component of it, 61 percent. It is designed to create the mess we are in. If you want to change this system to where we get better value for the dollars we put into health care, let's create a clear, transparent, competitive market where you know quality and you know cost before you ever enter it. That is a goal we can all agree on.

We should know what it costs, and we know what the quality parameters should be. What comparative effectiveness as outlined by the acting head of the NIH is, what is the cheapest treatment we can do to get it there? Not what is best for the patient in consideration of that patient's particular needs and what is the best thing the doctor could recommend.

There are conflicts of interest. I do not deny that. Here is the No. 1 thing that comparative effectiveness fails to remember: Everybody thinks we can take the science over here and we can fix everybody. Well, I have news for you. Medicine is 40 percent art. Since we will not pay for physicians and providers to take the time to listen to their patients, to actually know what is going on with them, we have created a system where we spend a ton of money that does not have anything to do with a better outcome for the patients.

Two examples. Two patients in the last 4 years in my own practice, denied, under comparative effectiveness, MRIs; did not have a hard sign at all, had soft signs. Both of them had cancer of the brain. Both insurance companies and Medicare denied that they needed an MRI because it did not match with the guidelines.

That goes to show you that when you just use guidelines, you are not going to really care for the patients. The art of medicine has to be included. Comparative effectiveness never considers the art of medicine. That is 40 percent of taking care of people and giving them great health care and great outcomes. This amendment is a good amendment. The reason it should be there is we seek comparative effectiveness. You cannot get reboard certified unless you know comparative effectiveness, at every chance, at every corner, for every disease.

Do we need more? Yes. But we are spending billions every year on comparative effectiveness research. We finished a 7-year study on the heart. You know what it told us after we spent $100 million on that study? We do not have the answer on which is the best. A double-blind, progressive, controlled study, and we do not have the answer. What makes us think some bureaucrats can take less research and come to a better conclusion than the best scientists in this country? What we are looking for is an answer in the wrong place.

The way we fix health care in this country is to truly allow doctor and patient relationships that will take advantage of the scientific advances that are out there and do so in a transparent way, where you know quality and you know price.

It is called performance for pay, rather than pay for performance. If you perform, you get paid more. If you do not perform, you do not. We apply market forces to everything we are doing, much less so since the new administration came in, but if we would apply that, we would have a tremendous advantage in terms of quality outcomes in this country.

I support the amendment and yield back the remainder of time.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 762

Mr. ISAKSON. I ask unanimous consent that the pending amendment be set aside and the clerk report amendment No. 762.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 762.

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

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

The amendment (No. 762) is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for providing a nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period)

At the appropriate place in title II, insert the following:

SEC. —. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING A NONREFUNDABLE FEDERAL INCOME TAX CREDIT FOR THE PURCHASE OF A PRINCIPAL RESIDENCE DURING A 1-YEAR PERIOD.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide a one-time nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period in the amount of the lesser of $15,000 or 10 percent of the purchase price of such residence, exclusive of any other credit available for the purchase of a residence, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. ISAKSON. Madam President, I have 1 minute. I spoke last night at length about this amendment, so I will not take the Senate's time again. I know Senator SHAHEEN is about to offer her amendment.

But this is an amendment that carves out a deficit-neutral reserve in the budget in order to fund a $15,000 tax credit for the purchase of a single-family home in America.

That is an amendment the Senate passed, the House rejected but is a pending bill before the Senate. This would reserve that money in the account, so that if the bill is passed, it can be paid for, and it is a deficit-neutral amount.

At an appropriate time, I will ask for the support of the Members.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam 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. 835

Mr. VOINOVICH. Madam President, I rise to support Senator GREGG's amendment to create a deficit-neutral reserve fund for the creation of a task force to address tax entitlement reform and reduce our Nation's long-term fiscal gap.

The amendment would fund a vehicle to examine our tax and entitlement systems and present long-term solutions to place the Senate on a fiscally sustainable course and ensure the solvency of our entitlement programs for future generations.

Senator LIEBERMAN and I have introduced a very similar amendment, and I understand that Senator LIEBERMAN is going to be willing to support this amendment. I am not going to go into detail. The chairman and the ranking member of the Budget Committee have laid out in very frightening terms where we are in terms of our deficits and our national debt.

Frankly, I have been talking about this since I have come to the Senate in 1999. I said we have to do something about this growing debt that is blossoming. Now we are talking about the possibility of it doubling in the next 5 years. So we have to get at entitlements and tax reform.

The thing that is encouraging to me is, there is legislation I am introducing in the Senate that has been introduced in the House. It is called the SAFE Commission. It is sponsored by 52 House Members, 26 Republicans, 26 Democrats. It has the support of the Business Roundtable, the Heritage Foundation, the Concord Coalition, the Peterson Foundation. They have all voiced support.

What we are trying to do with this amendment to the budget is to have an acknowledgement of the fact that money is set aside to fund a commission that will be set up.

I am hoping my colleagues don't get involved in one of these, ''Well, I don't like the language of this,'' because we haven't gotten to the language yet. I am saying to my colleagues on the other side of the aisle and on my side that we have to negotiate the kind of vehicle we are going to use. Two years ago, the vehicle we had had more Republicans than Democrats because we controlled the Presidency, the House, and the Senate. The new legislation coming out, that I will support, will have more Democrats because the Democrats have the Presidency and the Senate and the House. It does provide that in order to get something, it be fast-tracked. They spend, say, 6 months looking at it and come up with tax and entitlement reform. They send it on an expedited procedure to the House and Senate. Before they do that, they have to have 75 percent of the people supporting it, and you have to have at least two Republicans. That does bring in minority participation.

What I am afraid of is that I have heard Senator CONRAD say: I don't like the idea that it has to be even-steven. The main thing is, I would like the Senate to go on record that we will create a fund that will fund a commission that will finally get to the entitlement problem we have had now for a long time. The bottom line is, we have this avalanche that has hit us. We are in trouble. But at the same time, underlying that, we have the problem of this long-term national debt. Everybody is aware of the challenge.

Recently, Premier Wen pointed out that he is concerned about what we are doing. Europe is concerned about what we are doing. Canada is worried about it. They are saying: You folks haven't been willing to take on your entitlement and tax reform. What bothers me is that if we don't deal with this and our neighbors start to get leery of what we are doing, we could see interest rates skyrocket because everybody acknowledges that as long as we are getting money from China, Japan, and the OPEC nations, we will be able to borrow money at a cheap rate. But if they lose confidence that we have not been willing to stand and do what we are supposed to, that could change dramatically.

I urge my colleagues to look at this not as we are drafting the legislation. What we are saying is, we acknowledge there is a problem that needs to be dealt with. Peter Orszag understands there is a problem. He was with this effort 2 years ago. Now he has been ''I am not sure how we want to do this.'' All I would like to do is to come in with a bipartisan commission that says: We are willing to tackle this. Give it to the administration and say: If you don't like it, what is better than what we have?

We have to get going on this. We cannot keep putting it under the rug. We need to deal with it.

I have a lot of other words to speak today, but I hope I get the message across to everyone that all we are basically doing is setting aside money to pay for a commission, the complexity of which and the rules of which are something we will have to try and come up with a compromise on. We have an amendment, Senator LIEBERMAN and I, that is less restrictive than Senator GREGG's. Apparently, that language bothers Senator CONRAD. All I know is, I would like us to go on record that we know there is a problem. We know we can't get it done in the regular order doing tax reform and entitlement reform. We need a commission to take it on as we did with Social Security. They took it on. We got together, came back with a recommendation, and got it done.

I urge colleagues to look at the big picture and not get tied in with this is a Republican thing or a Democratic thing. It is a problem for America. It is a Republican and Democratic problem. It is America's problem. We have to do something about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 776

Mrs. SHAHEEN. Madam President, I ask unanimous consent to set aside the pending amendment, call up my amendment No. 776, and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself, Mr. KAUFMAN, and Ms. MIKULSKI, proposes an amendment numbered 776.

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

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

The amendment is as follows:

(Purpose: To establish a reserve fund for monitoring of FHA-insured lending)

At the end of title II, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that Senators KAUFMAN and MIKULSKI be added as cosponsors.

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

Mrs. SHAHEEN. Madam President, my amendment is simple and straightforward. It would establish a deficit-neutral reserve fund to monitor FHA-approved loans. The Federal Housing Administration, the FHA, plays an increasingly critical role in promoting home ownership during these tough economic times. The FHA insures one-third of all new mortgages. The number of FHA-approved lenders has doubled in the past 2 years. However, the Department of Housing and Urban Development has not received additional resources to expand its efforts to investigate claims of fraud.

Recent reports of a rise in borrowers who haven't made even one payment suggest that fraudulent activity has increased among FHA-backed loans. Should that activity continue to increase, FHA and its critical work could be put at risk. As we all know, in the runup to the subprime crisis, many fraudulent lenders pushed borrowers into mortgages and refinancings that they could not afford just to collect the commissions and fees. We need to make sure we prevent that activity from migrating to federally insured loans which would put taxpayers at risk for footing the bill of another bailout. This amendment addresses the need for HUD to properly investigate and remove fraudulent lenders from the program wherever appropriate. It creates a deficit-neutral reserve fund—a deficit-neutral fund—to increase the capacity of the inspector general of Housing and Urban Development to investigate cases of fraud of FHA loans.

I am hopeful my colleagues will join in this effort and support my amendment. As we all know, at this critical time when we are trying to make sure there are stimulus funds available and that we are doing all we can in Government to support the ability of the private sector to respond to this economic decline we are in, we need to make sure we have the oversight capability to run programs as effectively and efficiently as possible. That is what this amendment would help accomplish.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Madam 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. 844

Mr. CRAPO. Madam President, in a few moments I am going to send an amendment to the desk. It is on its way over here right now. I would like to speak about it for a few minutes until it arrives, at which point I will ask to set aside the pending amendment and offer the amendment.

The amendment I wish to offer is very critical. We debate budgets every year in Congress, and most of the years I have served here—I was elected in 1993 and served 6 years in the House, and now I am in my second term in the Senate—most of those years we have adopted a budget resolution. Some of those years we were not able to get the necessary votes to adopt one. But as we proceeded and moved forward in the deliberations of these budgets, I noted an interesting thing: Some years we would have a 10-year budget we looked at. We would have the year we were actually working on—and in this case, we are working on the 2010 budget—and then we would project out 9 more years and say: We expect, in the next 10 years following the year we are working on, to see the following budget numbers be honored with regard to defense spending or nondefense discretionary spending or the like. Sometimes we only look out 5 years.

This year, the President submitted a budget that looked out 10 years. The Budget Committee, however, took that budget window and reduced it to 5 years. The reason I point this out is because as we talk about what the budget is going to do and what the fiscal impact of the decisions we are debating today is going to be, we always talk about whether the budget is going to get us on a glide path to balancing our Federal budget, what kinds of deficits are going to mount in the outyears, what kinds of tax increases or tax reductions are going to be accomplished in the budget. Yet, if you look closely at these budget documents and if you look closely at this budget document, all the tough decisions are always in the outyears. I should not say that is always the case because I have to say that occasionally Congress has stepped up to the plate and has made some tough decisions. But it is not the commonplace occurrence.

Let me give you an example. The amendment I am going to offer would cap the first 3 years of this proposed budget in terms of nondefense discretionary spending. In other words, it would say this budget proposes the following spending in nondefense discretionary categories for 2010, 2011, and 2012, and thereafter, and my amendment would say that the numbers that are proposed in this budget will be binding on Congress. In other words, if we adopt this budget, we will follow it. And I am only saying for 3 years. I am not even saying for the full 5-year window the Budget Committee has put forward or for the full 10-year window the President has put forward.

Why is this so important? Sometimes I jokingly say that during the time I have served in Congress, I have never made it to year 2 of any budget because every time we do a budget—whether it is a 10-year budget or a 5-year budget—we always implement the first year of that budget and then next year, when we come back, we seem to forget about what the budget projections were and what our promises to the American public were, and we start all over again and we do another 5-year budget. And year 1 of the next 5-year budget does not even look like what year 2 of the last budget was.

Let me give you an example. I was going to have some charts ready, but the opportunity to speak came before the charts got here. If I could show you those charts, I would show you that for the 2010 budget year we are working on today, if you had looked at what Congress said it was going to do this year 3 or 4 years ago, and then you looked at what Congress said it was going to do this year 2 years ago, and then you looked at what Congress said it was going to do this year 1 year ago, and then you looked at what Congress is proposing to do this year, they are not at all similar. As you might guess, the proposed spending in this year's budget for this year is far in excess of what the projections were in the previous budgets which we debated and voted on.

Let me put it another way. This year, we are looking at a 5-year window. The increase in nondefense discretionary spending in the first year of this budget we are talking about is approximately 7.3 percent—well over double the rate of the growth of the economy.

Just as a note, last year, the budget that we adopted finally in the Omnibus appropriations bill increased nondefense discretionary spending by about 10 percent. So in just 2 years, we have seen nondefense discretionary spending increase by about 15 to 17 or maybe even more percent.

Well, back to the budget. The proposed increase in nondefense discretionary spending for this year in this budget is about 7.3 percent. But the promise is: OK, we have to spend that much this year, but we are going to be better in the outyears. So in the second year of this budget, the proposed increase is down, I believe, around 1 percent. In the third year, I believe that proposed increase is about 1.5 to 2 percent.

But my point is, we are not going to get to those years. We never adopt the next year—the second year and the third year and the fourth year and the fifth year in these budgets we debate.

So all my amendment will do is this: If we are telling the American public we have to increase our discretionary spending by 15 to 20 percent over the last 2 years—7 percent alone in this budget year—but that we are going to be fiscally more conservative and responsible in the outyears, let's make that binding. Let's at least say for the next couple of years we have to follow the budget we are debating. All we would need to do in order to accomplish that is to put some caps on that nondefense discretionary spending as we move into it in the outyears.

Every time we look at this, the spending goes up. If you look at the actual rate of growth in our budget, it is unsustainable. What we need to do is to be straightforward with the American people as we approach this. Anything else is just window dressing. All of the numbers we are talking about today

and all of the projections we are talking about—how we are going to try to bring the deficit under control or reduce the national debt—are simply window dressing if we do not make them binding, other than the first year of this budget. That is what will really be binding.

I will say it again: The only thing that will really be binding in this budget, if we adopt this budget resolution, is the first year. This amendment would make, in the nondefense discretionary spending portion of the budget, the second and the third year numbers binding. By doing so, Congress would actually be setting some parameters for itself so we could have a firm confidence that as we move forward, we will be able to have the kind of deficit reduction and spending restraint we always talk about.

Madam President, at this time, I send to the desk an amendment.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 844.

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

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

The amendment is as follows:

(Purpose: to protect the fiscal discipline on discretionary spending exercised by the reported budget resolution by extending the resolution's discretionary spending limits to exactly the same level as already assumed in the resolution to make sure that debt is not increased further than contemplated by this budget resolution as a result of subsequent budget resolutions or appropriation bills)

On page 50, line 12, strike ''and''.

On page 50, insert after line 15:

''(3) for fiscal year 2011, $1,092,921,000 in new budget authority;

(4) for fiscal year 2012, $1,112,047,000 in new budget authority; and''.

On page 49, insert on line 12 after the word ''bill'':

'', concurrent resolution,''.

Mr. CRAPO. Madam President, as I have said, the amendment is very simple, and it really speaks for itself. It simply says that instead of debating numbers that do not mean anything, let's put some meaning and some authority behind the numbers we are debating. Let's not continue the game Congress continues to play year after year whereby we adopt a budget with no hard decisions in the first year, which is the only binding year, and all the tough decisions in the outyears are not binding and never reached. And let's say we are serious about it.

I have even agreed in my amendment to accept the high numbers in the first year. I personally would prefer to have some restraint now in the first year of this budget, and instead of increasing spending in this Government by 7.3 percent, I would rather reduce it to the rate of the growth of the economy or below that, and let's start catching up a little bit with regard to the spending we are engaged in.

Many people have said on this floor that this budget spends too much, it taxes too much, and it borrows too much. The most significant portion of all of that occurs in this first year. Let's get to some of the restraint that is promised in the second and third years by adopting this amendment, putting the caps on the nondefense discretionary spending categories, and make sure Congress, like the households and businesses across this Nation, tightens its belt and follows a budget.

Madam President, I yield the floor.

Mr. CONRAD. Madam President, first of all, I wish to thank the Senator for his amendment and especially thank him for the contribution he makes on budget issues. He is a thoughtful and responsible Member. I thank him for his service.

With respect to the amendment he has offered, we have a difference on this issue, and the difference is this: What he said is exactly right in the sense that we have a budget which is really effective for 1 year because we have caps for 1 year. But more than that, we are going to be back doing another budget resolution next year, so, frankly, having outyear caps doesn't mean very much. What matters are the caps for this year, and the caps we have in this budget pertain to this year. The outyear caps he is referencing—we will have another budget next year, and we will deal with that next year.

Unfortunately, what has happened in the past on these caps is people have found a way to game them, and especially in the outyears. How do they do that? They come up with all of these advanced funding schemes to get around the outyear caps. What else do they do? They label as ''emergencies'' things that are really not. For example, we saw war funding in the third year of the war in Iraq and in the fourth year of the war in Iraq labeled as emergency by the previous administration as if we didn't know the war was still going on.

So I say to our colleagues, the budget resolution before us has a cap for 2010, and the outyear caps, to me, are superfluous because we are going to have another budget resolution next year.

I wish to also point out that the budget that is before us, in fact, has reduced the President's request on domestic spending by over $160 billion, and $15 billion in this year alone.

I say to my colleagues, anybody who doesn't understand the magnitude of those cuts, come and join me in my office, or come and join me at the meetings, such as the meeting I had yesterday with certain of my colleagues who were very upset because for the next 5 years, the average annual increase in non-defense discretionary spending is 2.5 percent—2.5 percent. The Senator says, fairly, that you can have a budget that says that, but if it is not enforced by caps, it will be revised.

The truth is, that is the case whether you have outyear caps or not. It is just the reality because we will be doing a budget next year, and more than that, because there is nothing quite so creative as the mind of man.

I will tell my colleagues, in my 22 years on the Budget Committee, I have seen every conceivable dodge to get around caps. I think I have learned them all. I just hope very much that we get about the business of putting together a longer-term plan that deals with reforming the entitlements, reforming the tax structure, so we can get on a much more sustainable, long-term base.

With that, could the Chair inform me how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has used 4 minutes, and the Senator from Idaho has used 2 minutes.

Mr. CONRAD. And how much time remains?

The PRESIDING OFFICER. There is 56 minutes remaining for the Senator from North Dakota and 58 minutes for the Senator from Idaho.

Mr. CRAPO. Madam President, could I just have a couple of minutes before we move on to the next item?

Mr. CONRAD. How much more time would the Senator like on this?

Mr. CRAPO. Two or three minutes is all.

Mr. CONRAD. Madam President, I ask unanimous consent that the Senator from Idaho have an additional 3 minutes, that I have an additional minute on this matter, and then—what is the next order of business?

The PRESIDING OFFICER. There is no amendment to follow.

Mr. CONRAD. OK. I think we have been trying to go back and forth. Senator TESTER, I see, is here. How much time does the Senator seek?

Mr. TESTER. Five or ten minutes. I will probably use 5 minutes.

Mr. CONRAD. OK. Would it be OK if we ask for 7 minutes?

Mr. TESTER. That is perfect.

Mr. CONRAD. Seven minutes for the Senator from Montana, and then who is up next, Senator BUNNING?

Mr. BUNNING. I have about 15 minutes.

Mr. CONRAD. And will the Senator want to offer an amendment?

Mr. BUNNING. I am going to talk about two amendments, but I am going to wait to offer them through the vote-a-rama tomorrow.

Mr. CONRAD. The Senator deserves a special place. What a good example for other colleagues.

So we go to Senator BUNNING, then, for 15 minutes after Senator TESTER. Is Senator ENSIGN seeking time?

Mr. ENSIGN. I need about 10 minutes.

Mr. CONRAD. We have Senator REED coming at 1:45. He would be next for how long? Well, maybe we could allocate 10 minutes to Senator REED, and then Senator ENSIGN, how much time?

Mr. ENSIGN. I would need just 10 minutes. If I could just get my amendment pending then I could speak later in the day.

Mr. CONRAD. We have not seen the amendment.

Mr. ENSIGN. This is the Medicare prescription Part D, means testing amendment.

Mr. CONRAD. If we could then do Senator ENSIGN for 10 minutes.

Mr. ENSIGN. Would you allow me to offer it to get it pending and then I can come back later?

Mr. CONRAD. Yes. Is that acceptable?

Mr. ENSIGN. I am not going to speak now; I just wish to get it pending at this point.

Mr. CONRAD. Well, they have another Senator coming. The problem is, we have now allocated time that is going to go way past what is in this consent agreement.

If Senator ENSIGN just called up his amendment, would that be——

Mr. ENSIGN. That is all I want to do.

Mr. CONRAD. OK. Let's go then in the order we had. Senator CRAPO had a couple of more minutes, and then I would take some time and then we would go back to Senator TESTER and then to Senator BUNNING.

Mr. CRAPO. Should we let Senator ENSIGN go right now?

Mr. CONRAD. If you would just call it up.

AMENDMENT NO. 805

Mr. ENSIGN. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 805.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, and Mr. ENZI, proposes an amendment numbered 805.

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

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

The amendment is as follows:

(Purpose: To require certain higher-income beneficiaries enrolled in the Medicare prescription drug benefit to pay higher premiums, as is currently required for physicians' services and outpatient services, and as proposed in the budget of the United States Government most recently submitted by the President)

On page 4, line 15, decrease the amount by $303,420,000.

On page 4, line 16, decrease the amount by $475,732,000.

On page 4, line 17, decrease the amount by $599,908,000.

On page 4, line 18, decrease the amount by $755,924,000.

On page 4, line 24, decrease the amount by $303,420,000.

On page 4, line 25, decrease the amount by $475,732,000.

On page 5, line 1, decrease the amount by $599,908,000.

On page 5, line 2, decrease the amount by $755,924,000.

On page 5, line 8, decrease the amount by $303,420,000.

On page 5, line 9, decrease the amount by $475,732,000.

On page 5, line 10, decrease the amount by $599,908,000.

On page 5, line 11, decrease the amount by $755,924,000.

On page 5, line 18, decrease the amount by $303,420,000.

On page 5, line 19, decrease the amount by $779,152,000.

On page 5, line 20, decrease the amount by $1,379,060,000.

On page 5, line 21, decrease the amount by $2,134,984,000.

On page 6, line 1, decrease the amount by $303,420,000.

On page 6, line 2, decrease the amount by $779,152,000.

On page 6, line 3, decrease the amount by $1,379,060,000.

On page 6, line 4, decrease the amount by $2,134,984,000.

On page 21, line 3, decrease the amount by $300,000,000.

On page 21, line 4, decrease the amount by $300,000,000.

On page 21, line 7, decrease the amount by $460,000,000.

On page 21, line 8, decrease the amount by $460,000,000.

On page 21, line 11, decrease the amount by $560,000,000.

On page 21, line 12, decrease the amount by $560,000,000.

On page 21, line 15, decrease the amount by $680,000,000.

On page 21, line 16, decrease the amount by $680,000,000.

On page 27, line 3, decrease the amount by $3,420,000.

On page 27, line 4, decrease the amount by $3,420,000.

On page 27, line 7, decrease the amount by $15,732,000.

On page 27, line 8, decrease the amount by $15,732,000.

On page 27, line 11, decrease the amount by $39,908,000.

On page 27, line 12, decrease the amount by $39,908,000.

On page 27, line 15, decrease the amount by $75,924,000.

On page 27, line 16, decrease the amount by $75,924,000.

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

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent that we return to the previous amendment.

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

AMENDMENT NO. 844

Mr. CRAPO. Madam President, I will be brief. I do appreciate Senator CONRAD and the service he provides to us as the chairman of the Budget Committee. He makes some very good points. It is true that Congress can come back at any time and change the caps that we might put on today, but at least the Congress would have to debate that and would have to make a conscious decision that America could watch, and Congress would have to say to America: You know what. We are not going to do what we said we would do. If we don't put caps on this budget, then there is nothing the Congress has to do but adopt another budget resolution.

By the way, I also appreciate the fact that some of the emergency spending and the other games that are used in Congress to get around caps are identified by the chairman as difficult problems. We need to have much less of that gamesmanship and much more following of the rules in our budget so that Americans can truly see how much is spent and how much is being taxed as we move into these budgets.

I wish to give a couple of examples to show what I am talking about before I conclude. If we were to look at the fiscal year budget authority for 2009; that is, the budget year we have just finished with the Omnibus appropriations bill a few weeks back—in 2006, we said in 2009 we were going to spend $409-plus billion. In 2007, we didn't get a budget report because we couldn't reach agreement on one. In 2008, we said that number was going to be $465 billion. In 2009, we actually said it was going to be about $480 billion—or $488 billion. The real number ended up being almost $800 billion.

I realize there was some stimulus package money in there, some TARP spending, and so forth. The point is, it went up from the projection in 2006 of $409 billion to a reality, even without the TARP and other dollars, of around $500 billion.

What about this year we are talking about right now? The proposed budget for this year, I think, is around $525 million for nondefense discretionary spending. That is what we are debating on the floor today. Well, in 2006 when we debated the budget and set our projections, that number was around $409 billion; in 2008, $476 billion; in 2009, $492 billion; now, as we move forward to the final projection, $525 billion.

The point I make is that every year Congress says this is what we are going to spend in the outyears, and every time we come back to it we never follow those requirements. We should put caps on at least the first 2 outyears so that when Congress comes back to deliberate again, and when the President submits a budget to us next year, there are fiscal caps for nondefense discretionary spending requiring the restraint we are promising Americans we will someday get to.

Congress has a pattern of spending more and more and more every year. As I have indicated, nondefense discretionary spending has gone up 15 to 17 percent the last 2 years. The fact is, it is time for us to adopt this amendment and put caps on the first 3 years of this budget to force some fiscal restraint in Congress.

Thank you, Madam President. I yield the floor.

Mr. CONRAD. Madam President, just briefly, in a way, the Senator makes my point because none of us can foresee what happens 2 and 3 years from now. That is why we do an annual budget resolution. The numbers he just cited—who knew we were going to fall off the edge and have a precipitous decline in the economy?

So what really matters to me is to have a 1-year cap that is enforceable. We will be right back here with a budget resolution next year and can extend enforceable caps at that time.

According to the order that has been entered into, I am happy to yield back my time and go to Senator TESTER for 7 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I thank the Senator from North Dakota. I rise today to talk more globally about the budget. After 8 long years of failed Federal policies that have driven our economy into the ditch, the Senate this week is finally considering a budget that sets us on the right path—a path that will get us out of the ditch—with balanced priorities for the American people. It is about time.

Last week, more than 5.5 million people filed for unemployment claims in this country. Unfortunately, that is a new record. Overall, the economy declined at an annual rate of 6.3 percent in the fourth quarter of last year, and experts say it is continuing to shrink. We are feeling the effects in Montana in the mining industry, wood products industry, and especially in the construction industry.

In fact, every county in northwestern Montana is suffering from unemployment that is at 10 percent or worse. At last week's annual employment expo in Kalispell, MT, 4,000 Montanans showed up looking for a job. That is an increase of 1,500 from last year; nearly a 40-percent increase. Times are tough.

Some DC politicians say: Don't worry about it; the recession is temporary. But let me tell my colleagues, for folks who have lost their jobs or who fear they will lose their jobs at any time, that kind of attitude is out of touch. We need action now, and this Congress is working with the President to provide that help.

Earlier this year, we passed the American Recovery and Reinvestment Act, which I call the JOBS bill. The JOBS bill is creating and keeping millions of jobs, and it is pumping hundreds of millions of dollars into our State's economy to build roads, water systems, repair our schools, health care facilities, and energy projects. Throughout Montana and across rural America our infrastructure is worn out. This JOBS bill is a first step to rebuild our economy from the ground up by reinvesting in infrastructure and providing tax relief for hard-working Americans. This budget is the next step in that effort.

For far too long in this town budget policies were set by folks whose ideology said ''deficits don't matter,'' as Vice President Cheney famously put it.

That was nonsense then and it is nonsense now. Unfortunately, the legacy of that ideology is a national debt that doubled between 2001 and 2007. I thank the chairman of the Budget Committee, KENT CONRAD. We are cutting those record Republican deficits in half in just 3 years. That cannot be the end of the story, but it is a good start.

Once we get the economy up and running again, we are going to need tough fiscal discipline to pay off the piles of debt run up by the previous administration and its allies in Congress.

Some DC politicians claim the budget mess left to us by the Bush administration is an excuse to do nothing on urgent priorities such as energy, education, health care, and tax relief for middle-class families and Main Street small businesses. Continuing to accept those excuses would be the worst mistake we could possibly make.

For example, we must take action on comprehensive plans to overhaul our energy policy to make America energy secure once and for all. Our national security depends on us getting that right. Energy security is national security. Ask the Eastern Europeans how it felt when the Russians cut off their natural gas supply in the middle of winter. We need to take aggressive action on energy policy. We cannot wait until gasoline prices push to $5 a gallon again. We must try to develop a broad-based energy policy, and we must act now.

Instead of a balanced energy policy to ensure our security with renewables and conservation measures, some people want to see us drilling more in our untouched hunting and fishing habitat places, such as the Rocky Mountain Front. This makes no sense. There are places we should drill, and Rocky Mountain Front is not one of them.

Montana has always been an energy resources-producing State, and we always will be. But we need to protect our outdoor heritage and invest in sustainable, renewable sources of energy such as biofuels, wind, solar, and geothermal power.

This budget outline builds on the JOBS bill's investment in renewable energy, efficiency and conservation, low carbon coal technology, and modernizing the electrical grid.

This budget also puts a priority on education. My life tells the story of the power of education and the opportunity it provides. For me, the grandson of dry land homesteaders, to be selected by my friends and neighbors in the State of Montana to serve them in the Senate, that is a story that is only possible because of my education. Smart investments in education generate economic growth and jobs. Education and training prepare our workers to compete in a global economy.

This budget prioritizes education from early childhood initiatives, such as Head Start, all the way up to Pell grants to make college more affordable.

Some on the other side also argue their budget deficits are an excuse not to reform health care in this country, but I believe we cannot afford to wait. We have to rebuild our health care system because it is broken. Too many Americans lack health care. Too many families live every day in fear that one illness could ruin them.

This budget starts us down the road of allowing Congress and the President to work together to reform our Nation's health care system so our families can thrive.

I know this budget process is always a partisan exercise, but it is my hope that when we start to work out the details of health care reform, we do it in a bipartisan manner. That is an issue that impacts every American family. So I hope we can work together to pass commonsense solutions.

Again, I thank Senator CONRAD and the Budget Committee for producing a budget that continues to support one of my highest priorities since coming to the Senate—honoring the service and commitment of our Nation's veterans and their families.

This budget builds on bipartisan efforts in the last 2 years to boost funding to get the VA into working order. At long last, the quality of care at the VA is starting to improve. We have begun to bring some priority 8 veterans back into the system. This budget provides resources to continue those important steps.

Finally, we need to pass this budget resolution to ensure middle-class tax relief, so ordinary folks can get ahead and our Main Street small businesses can prosper.

This budget resolution is our national mission statement. The mission of this Congress is to work with the President to get us out of the ditch and rebuild our economy from the ground up by cutting the Republican deficit in half and investing in important priorities, such as energy, education, health care, middle-class families, and small businesses.

No budget is perfect, and I look forward to supporting amendments that can improve this one. But this is a responsible budget with balanced priorities. I urge the Senate to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I rise to discuss the fiscal year 2010 budget. I also plan to discuss two amendments—Nos. 817 and 818—which I would like to see considered.

As a member of the Budget Committee, I spoke on this budget last week during the committee consideration. I was unable to support it then, and unless truly major changes are made on the Senate floor this week, I will not be able to support it as it comes up for a vote.

Since the President first gave us a preview of his plan, we have heard a lot about this year's budget. I have found it to be very troubling. The budget proposed by the Obama administration is unworkable, and I think everyone knows that. It spends too much, taxes too much, and borrows too much.

The numbers in the President's proposal were appalling to anyone who believes in any kind of fiscal restraint. It got even worse 2 weeks ago, when the Congressional Budget Office predicted

the numbers used by the administration were far too optimistic. The President's proposal would double the publicly held national debt to more than $15 trillion. Annual spending would leap from $24,000 per household to about $32,000 per household. This plan would also raise taxes by $1.4 trillion over 10 years. The increase in debt is also staggering. The President's proposal would double the debt held by the public in 5 years and nearly triple it over 10 years.

In fact, the proposal would create more debt than every previous President from George Washington to George W. Bush. With numbers such as that, it is not surprising that the authors of this budget resolution before us today had to make some changes.

While I applaud the efforts of Chairman CONRAD to attempt to rein in some of the worst aspects of the administration's budget proposal, it appears we may only have an ''Obama lite'' version before us. In fact, Peter Orszag, Director of the Office of Management and Budget, tells us the two versions are 98 percent the same. The budget on the floor still has the same problems and, in some cases, new problems.

President Obama promised a new era of transparency in Government. This is one reason why he submitted a 10-year budget proposal. However, the proposal before us is only a 5-year projection. Also, the President's budget assumed that Congress would continue to patch the alternative minimum tax, which digs deeper and deeper into the middle class each year. This budget assumes it will be fixed for only the first 3 years of this 5-year plan. Everyone here knows we are going to have to take care of those other 2 years, as we should. However, it looks like we still have more tax increase here.

It defies logic that this budget targets tax hikes on the very people who are good at creating jobs. We know that 70 percent of all job growth in the United States—when we had it—came from small business. This budget penalizes the people who are responsible for two-thirds of the small business jobs. One of the most basic economic principles is that if you want less of an activity, you tax it more. Well, we must want less job creation.

Maybe we only want to create jobs for Government bureaucrats who spend other people's money and our grandchildren's and children's money.

As I have outlined, this budget has many other problems. It spends too much, taxes too much, and borrows too much. I urge my colleagues to join me in supporting changes that would make this a responsible and fair piece of legislation.

I also wish to take a few minutes to talk about the two amendments I will be introducing later in the marathon we have tomorrow. The first is especially important for many of our seniors because it deals with taxes on Social Security benefits. The amendment I will be offering sets up a deficit-neutral reserve fund to repeal the 1993 increase in the income tax on Social Security benefits. I brought this issue before the House and before this Chamber before. In fact, earlier this year on a stimulus bill, I offered an amendment to repeal this unfair tax for just 1 year. That amendment failed.

With this amendment, I am taking a different tack and using a deficit-neutral reserve fund to repeal the 1993 Social Security tax increase completely. This should be familiar to the chairman of the Senate Budget Committee, since he offered a similar amendment using a deficit-neutral reserve fund during the budget consideration last year. I remind my colleagues that his amendment passed last year by a vote of 53 yeas to 46 nays.

When the Social Security program was created, benefits were not taxed at all. However, in 1983, Congress changed the rules of the game by passing legislation to taxing up to 50 percent of a senior's Social Security benefit if their income was over $25,000 for a single individual or $32,000 for a couple. In 1993, as I sat on the Ways and Means Committee at the time, Congress felt that taxing 50 percent of benefits wasn't good enough.

That year, Congress passed, and President Clinton signed, a bill that allows 85 percent of a senior's Social Security benefits to be taxed if their income was above $34,000 for a single taxpayer or $44,000 for a couple. The additional money this tax raises doesn't even go to help Social Security's solvency. It goes, instead, to the Medicare Part A Program. I opposed this tax increase then, and I oppose it today, because 14 million seniors are hit by an 85-percent tax on their Social Security benefits.

On one hand, we tell seniors to plan and save for retirement; on the other hand, we tax them for doing just that. This amendment puts the Senate on record that this 85-percent tax tier would be eliminated, and the maximum amount of Social Security benefits that could be taxed would be 50 percent.

If Congress passed legislation to do this, millions of seniors would be able to keep more of their Social Security benefits. I hope my colleagues can support this amendment when it comes up for consideration.

I am offering another amendment to pave the way for relieving taxpayers who have suffered devastating capital losses during these troubled economic times. Many taxpayers have been forced to sell their homes, stocks or any kind of capital asset at a loss. Our constituents will be stunned to learn they can only deduct $3,000 of those losses from their adjusted gross income. The $3,000 limit was set in 1976, when tax writers seemed to be ignorant about the impact of inflation. That limit is ridiculous in today's dollars.

My amendment creates a deficit-neutral reserve fund for increasing the capital loss deduction. If it helps struggling taxpayers, we have to do it because if we raised that deduction from $3,000 and adjusted it for inflation, it would be over what I propose—at $15,000, which you could deduct from your adjusted gross. Prominent economists have noted that by eliminating some of the downside risks of investing, increasing the capital loss deduction will stimulate investment and economic growth.

This amendment is a winner for taxpayers and a winner for our economy at a time when they both need some wins.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise in support of this budget resolution. I particularly commend Senator CONRAD for his extraordinary work.

Later, at the conclusion of my brief remarks, I will call up an amendment.

We have a situation that is unprecedented in the history of the country—extraordinary economic challenges, extraordinary international challenges. This budget resolution is designed to and will, I believe, help get our economy moving again and serve as a catalyst for job creation and for long-term growth. It will also put this Nation on a sustainable path in a fiscal dimension. The budget resolution reflects a commitment to transparency and restores honesty and integrity to the process. The budget incorporates the cost of the wars in Iraq and Afghanistan, which were notably neglected in past budgets. It enhances oversight of Government, including defense procurement spending, to root out waste, fraud, and abuse.

We are in very challenging circumstances, both domestically and internationally, and this budget reflects and faces up to those challenges.

Against these daunting challenges, the priorities reflected in the budget are clear: lower the tax burden on working men and women and small businesses, trim health care costs, invest in education, and reduce our dependency on foreign oil.

For too long, these challenges have undermined our economic vitality, and they will continue to drive down progress unless we take essential steps, as reflected in this budget, to deal with them. These are reasonable and necessary provisions. They represent a way to grow our economy and put more money in the pockets of middle-class Americans.

We are inheriting a weakened fiscal position based on the policies of the last 8 years, marked by an economic ideology that extended significant tax cuts to the very wealthiest, skewing these tax cuts so they benefitted a very few rather than ordinary Americans.

The Obama administration inherited an economic mess, a $1.3 trillion budget deficit and a near doubling of the public debt, rising from $3.3 trillion in 2001 to $5.8 trillion in 2008. This doubling of our debt occurred at a time of

macroeconomic prosperity and strong productivity growth. Yet, for middle-class Americans who have been working harder and more innovatively, there is little or no job creation. In fact, family incomes fell $2,000 between 2000 and 2007. Simply put, most families saw their income fall by $2,000 in a period of economic boom and prosperity, and we have to reverse that. We have to make an economy that will provide the jobs and the growth of income that Americans depend upon to educate their children, provide for their health care needs, and to contribute to their community.

This budget will provide that path of sustainable economic growth. It will do so by making investments to counter some of the downward spiral we have seen over the last several years.

It will invest in tax reform. This budget provides tax cuts for 95 percent of working Americans. It will close tax loopholes to ensure that we are all paying our fair share. It will eliminate some complicated, sophisticated tax shelters that benefit the wealthy but do not benefit working families.

In addition, it will focus on health care reform, which is necessary not only for our position as citizens but also for our economic future. Despite technological innovation, despite technological advances in medicine, far too many of these basic services are out of reach of Americans. They are simply not affordable or accessible. This budget will set the parameters for significant health care reform.

It will also begin to address the issue of global warming, which has huge implications internationally.

Mr. CONRAD. Mr. President, if I can speak to the Senator through the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. I gladly yield to the Senator.

Mr. CONRAD. In addressing the Chair, first of all, I apologize to the Senator for interrupting. It is important that we get another unanimous consent agreement in effect at this moment.

I ask unanimous consent that at the conclusion of Senator REED's discussion, Senator JOHANNS be recognized for 12 minutes and that Senator WHITEHOUSE then be recognized for 12 minutes. I make that request.

The PRESIDING OFFICER. Is this for debate only?

Mr. CONRAD. This is for debate only.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Does Senator JOHANNS have an amendment to offer?

Mr. JOHANNS. It is not an amendment but a motion. I can provide it to the Senator from North Dakota.

Mr. CONRAD. If the Senator could discuss it but not formally offer it so we get it in the right place in the queue—would that be acceptable to the Senator?

Mr. JOHANNS. Mr. President, that is acceptable.

Mr. GREGG. Mr. President, I want to make sure the Senator's rights are protected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. We are going to get a vote on the Senator's amendment prior to the vote-arama?

Mr. CONRAD. Absolutely.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. CONRAD. I ask unanimous consent that Senator REED be able to call up his amendment.

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

Mr. REED. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. We are doing some quick arithmetic. There is 4 minutes remaining.

Mr. REED. Mr. President, can you remind me or let me know when 1 minute remains?

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. REED. Mr. President, we are dealing with a plethora of issues that are absolutely critical to the economic success of the country. I mentioned climate effects. I mentioned investment in reducing our carbon footprint. All of these have been outlined and provided for in this budget resolution.

We are also going a long way to invest in the future of the country through education. I am pleased to see that this proposal includes a deficit-neutral reserve fund for higher education to allow for expanding student aid.

I have worked with Senator COLLINS on an amendment to ensure that this reserve fund may be used for increased investments in the Leveraging Educational Assistance Partnership or LEAP program which provides critical need-based grant aid and support services to low-income students.

This budget also provides for increased spending on Pell Grants, and as such, invests in our greatest resource, the talent and innovation and imagination of America. In that sense, I think this is a very strong step forward.

The budget helps deal with the issues facing small business in terms of providing, for example, $880 million for the Small Business Administration. It is small businesses, indeed, that create the jobs. Too often in the past, we have talked the talk but not walked the walk. This budget provides real resources for the Small Business Administration.

We have very difficult decisions to make, but we have made them before. I can recall being elected in 1990, beginning in 1991 with a huge deficit. Through the tough decisions we made here, a Democratic Congress following a Democratic Congress, we were able to not only turn the economy around but reduce the deficit. That is something we have to do going forward, and we must do that. I think this budget will position us to do that.

We have a difficult series of choices before us. I believe this budget and the work of Senator CONRAD have positioned us to respond to the crisis of the moment and positioned us to take opportunities of the future.

AMENDMENT NO. 836

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 836, the Reed-Snowe LIHEAP amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. SNOWE, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, and Mr. WHITEHOUSE, proposes an amendment numbered 836.

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assist (LIHEAP) by $1.9 billion in FY 2010)

On page 21, line 24, increase the amount by $1,900,000,000.

On page 21, line 25, increase the amount by $1,330,000,000.

On page 22; line 4, increase the amount by $532,000,000.

On page 22; line 8, increase the amount by $38,000,000.

On page 27, line 23, decrease the amount by $1,900,000,000.

On page 27, line 24, decrease the amount by $1,330,000,000.

On page 28. line 3, decrease the amount by $532,000,000.

On page 28, line 7, decrease the amount by $38,000,000.

Mr. REED. Mr. President, very briefly, this amendment would enhance and increase funding for the LIHEAP program. It is a program that is absolutely essential as we see energy prices begin to creep up again. When it hits again next winter, we will need these funds. When heating costs increase this summer in the Southwest and Southeast, we will need these funds.

I am proud to join Senator SNOWE in supporting this amendment. I urge my colleagues to support it when it comes up for a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, under the consent agreement, I believe Senator JOHANNS is recognized for 12 minutes, followed by Senator WHITEHOUSE. Then I understand Senator GRAHAM would like to speak on the Johanns amendment for 5 minutes. I ask unanimous consent that after Senator WHITEHOUSE, Senator GRAHAM be recognized for 5 minutes.

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

The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, just so we are clear on this procedure, I supplied a copy of my motion to the chairman of the Budget Committee. It is being reviewed. I would like the opportunity to speak on it now.

I rise to discuss this motion which I firmly believe would bring a bit of fiscal responsibility back to Washington

at a time where I fear spending restraint has gone out the door.

The budget before us increases nondefense discretionary spending by 9 percent. That translates into $42 billion over last year's levels. My motion would instruct the Budget Committee to take the budget resolution back to the committee and limit the overall increases to CBO's projected rate of inflation. The motion asks that we do this for each of the budget years. The motion would save $36 billion in 2010 and $194 billion over the 5-year budget window.

I would like to point out that my motion does not attempt to dictate which programs are prioritized for funding or which are cut back. Instead, my motion ties the aggregate spending to the rate of inflation. It asks the Budget Committee to take a scalpel to the budget line by line, which is exactly what the President has promised to do. Government simply cannot be everything to everyone, and at some point, tough spending decisions do have to be made.

Some may wonder why I chose to limit spending to the rate of inflation. The answer to that is very straightforward. If the average cost of goods and services for folks has increased by a certain percentage, I believe it makes common sense to require the Federal Government to spend within the same range. The American people cut back during tough economic times. Yet their Government is blatantly rejecting that commonsense principle. If you do not have enough money to pay for something, well, you shouldn't buy it. While most American families are planning to spend less this year compared to last year, isn't it eminently sensible that their Government increase spending no more than the rate of inflation?

It is clear that this budget does not have enough revenue to pay for its price tag, $3.6 trillion, even though it levies a massive tax increase on hardworking Americans to the collective tune of $1.7 trillion. Instead, the budget piles more debt on more debt, so much so that the debt per household for fiscal year 2010 would be $74,000. Considering that the average hourly wage in my home State is about $17 an hour, it would take most Nebraskans about 4,200 hours to earn that much money. That is an astronomical amount of debt.

But why should people back home worry about the debt the Government continues to amass? Because debt becomes unsustainable. When this occurs, the interest consumes more and more of the revenue, leaving virtually no money left to fund programs. Then you find yourself borrowing more and more to offset the difference. It is not a productive dance—taking one step forward, two steps back, then one forward, three back, year after year, until pretty soon you are not on the dance floor, and if you are not careful, you are not even in the dancehall. We will be so indebted to our creditors, such as China, that we will be watching through the dancehall window as economic engines of other nations carry the world economy.

Consider this sobering thought: If this budget passes, a few years from now we will be spending more on finance charges than on the entire defense budget. Put another way, our finance charges will be eight times the Nation's education budget. The budget before us is comparable to a family running up so much credit card debt that their finance charges are more than the house payment. We have lost our way.

Gone are the days when $1 million was a significant amount of money to invest in a program. Some think it is a bargain if we just spend $100 million or even $1 billion. More and more commonplace are bills that actually spend $1 trillion. How did we get spending so out of control?

It seems as if every time legislation is passed, we end up by just nonchalantly raising the debt limit. How long do you think our Nation can keep going down this course of unrestrained spending? Not very long.

We have a country that lives on credit, and we are close to maxing it out. Then what? Well, I will tell you what. Our dollar will be worth nothing. No one will want to invest in the United States, and economic growth will stall. I shudder at the thought.

I mentioned China a minute ago. They are the largest foreign holder of our debt. Why do we allow that to happen? I don't know about you, but we need something to change the course. This motion just simply takes a step back from bloated spending and a step forward to fiscal responsibility.

Before I yield the floor, I would like to offer a few short and very straightforward comments about an amendment that I offered on Monday. It has not yet come up for a vote. I hope the delay means my colleagues are thinking long and hard because it is an amendment that stands for the Senate.

It basically says: Don't use reconciliation for climate change legislation. First, climate change and energy are important enough that the Senate should deliberate these issues carefully. Haste leads to error and consequences. I remind my colleagues that budget reconciliation means far-reaching cap-and-trade legislation would only get 20 hours of debate. That is right. If the leadership keeps the Senate floor open all night long, a $250-per-month increase in energy bills could pass the Senate in just 1 day.

Second, let's not permit the House to dictate how we do business in the Senate. I tried to suggest to my colleagues that the House budget is a Trojan horse meant to force the Senate's hand. Many of my colleagues understand and know exactly what the House leadership has in mind.

I know the chairman of the Budget Committee has indicated he will resist. I applaud him for that. I thank the chairman. I note also that the chairman has been careful and thoughtful in his comments regarding the use of budget reconciliation. Again, I applaud that. I think my amendment just lays this issue before us and gives us the chance to stand for the Senate.

I would like to emphasize one other point. I have tried to make clear that the merits of climate change are not at issue. This body will thoughtfully consider climate change given the chance. What is uncertain—and the issue before us—is whether we have an open, robust debate and the opportunity to share with our constituents the content of the legislation and the amendments we offer.

I thank most Members on the other side of the aisle for their support and their reasoned approach. In fact, eight Members who are Democrats joined me in a letter to the leadership of the Budget Committee. My amendment directly addresses the concerns in that letter. In reality, the proposed solution in the letter is exactly what my amendment is doing.

Additionally, a man I respect a great deal, another Democratic Senator, the junior Senator from North Dakota, also indicated his opposition in his own letter. My amendment addresses these concerns.

The chairman of the Finance Committee has indicated that using reconciliation ''is not a good idea.'' I could not agree more. House Democrats on the Energy and Commerce Committee urge the use of ''hearings, markup and regular order'' instead of budget reconciliation.

I could quote on and on from Members on both sides who have stood with me on this issue and have expressed their concern long before I arrived. I thank them for protecting the integrity of the Senate process, and I offered that amendment in that bipartisan spirit.

I yield the floor, and I yield my time.

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

Mr. CONRAD. Mr. President, under the order, Senator WHITEHOUSE is next.

If I could just say, Senator WHITEHOUSE is a very valued member of the Senate Budget Committee. He brings a wealth of experience to the committee, especially on health care, and he has been extremely energized on the issue of the use of information technology to reduce cost and improve health care outcomes. He has also been very focused on health care reform and the significant opportunity that is for the country, and, of course, global climate change, protecting the planet, and being concerned about environmental values.

We are very fortunate to have Senator WHITEHOUSE as part of the committee.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished chairman very much for those very kind and gracious

remarks, and I am indeed here to discuss the budget, and particularly the health care aspects of the budget.

This is the season. Here we go again, into the annual budget process, and as we have seen today on the Senate floor, our friends across the aisle are doing a great deal of complaining and not a great deal of contributing.

Are their complaints sincere? Well, perhaps. I am sure some are sincere. But in evaluating them, we should bear this in mind: Under George Bush, the difference between the budget projections he inherited from President Clinton and the budget performance he left for President Obama was a negative nearly $9 trillion—a massive, reckless landslide of fair-weather debt.

Mr. CONRAD. Mr. President, will the Senator yield? Again, I apologize for interrupting.

Mr. WHITEHOUSE. Of course, I will yield.

Mr. CONRAD. Just for a moment, for the purpose of a unanimous consent request.

Mr. President, I ask unanimous consent that after Senator WHITEHOUSE is done, Senator GRAHAM be recognized for 5 minutes and then Senator ENZI for 5 minutes.

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

Mr. CONRAD. I apologize for this interruption, but I have to go to another committee to introduce someone who is up for a nomination. So I needed to do it at this moment to make certain there is a good flow.

I thank the Senator very much.

Mr. WHITEHOUSE. I understand perfectly, and I appreciate the chairman's diligence in ensuring a smooth flow of this important legislation.

So we have this litany of complaints from the side that is responsible for the Bush debt of nearly $9 trillion. Now that President Obama has to dig out from under the Bush economic collapse, now that we are in a deep economic recession, now, in the one time when Government spending and borrowing is justified to get us through the economic trough we are going through, we are treated to lectures about debt from our free-borrowing friends. The party of ''deficits don't matter'' wakes up to this concern just in time, coincidently, to thwart our new President.

The grotesque folly of the Bush debt was that it addressed things such as lowering tax rates for America's billionaires, not the core American priorities we need to address, in a country that is failing to educate its children as well as international competitors do, a country whose energy policy hurts everyone except oil-producing nations and the oil and coal industry, and a country mired in a disastrous health care system. President Obama's budget addresses these priorities.

Indeed, one of the highest priorities in our budget proposal for fiscal year 2010 is a badly needed and long-overdue reform of that broken and dysfunctional health care system. I have spoken on this subject in the Chamber many times because unless something is done soon, health care's massive costs will overwhelm us. Already, the system costs well over $2 trillion a year, and as our population ages, we face $35 trillion in unfunded Medicare liabilities, with not a nickel set aside against those liabilities.

No one seriously now questions the need for fundamental health care reform, and it is time to come together to determine what that reform will look like and how we can get it done. That would be a productive thing to talk about with regard to this budget.

An event last Thursday marked an important step forward on health care reform. The American Cancer Society, the American Diabetes Association, the American Heart Association, and Consumers Union came together to issue a joint statement on the vital importance of including health care delivery system reform as part of any comprehensive health care legislation that Congress should move this year. I was proud to join them at their announcement, together with Senator SCHUMER and Senator ROCKEFELLER.

These organizations represent tens of millions of Americans—Americans living with chronic illness, with cancer, with diabetes, with heart disease, and millions more who are consumers of health care in this country. These organizations and their members understand the failures and the tragedies of our health care system. Separate and together, their voices are powerful, and I would like to share some of what they said.

The number of uninsured Americans exceeds 45 million. Health care costs are rising faster than incomes. We spend at least twice as much per capita on health care as our major trading partners, and we rank 37th in the World Health Organization's evaluation of health systems worldwide. The major chronic diseases—cancer, diabetes, cardiovascular diseases, and stroke—account for three out of every four deaths in the United States, and the estimated total direct and indirect health care costs for these chronic diseases exceeds $700 billion each year. Much of America's chronic disease burden could be avoided through better coordination of care and by applying known best practices to prevent the onset and progression of these conditions at the primary, secondary, and tertiary levels.

While insurance coverage for all Americans is an important goal, we must give equal weight in the health care reform debate to changes that improve the quality of care, increase and improve the delivery of preventive services, and ensure that individuals always receive care that is safe, efficient, and without unnecessary interventions, tests, and treatment. To achieve these goals we must make structural changes: Improve our health information technology infrastructure; align financial incentives with evidence-based and cost-effective decision making; and develop a reliable process for assessing the health value of new technologies.

That is a part of the joint statement the American Cancer Society, the American Diabetes Association, the American Heart Association, and Consumers Union issued last Thursday.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the joint statement I have just referred to.

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

(See exhibit 1.)

Mr. WHITEHOUSE. Also, on Thursday, Mr. President, Consumers Union presented new polling data about Americans' experiences with the health care delivery system that confirms the urgent need for delivery system reform. In the poll, 18 percent of respondents reported that either they or an immediate family member contracted an infection following a medical procedure, and more than 60 percent of those reported that the infection was severe or life-threatening. Mr. President, 13 percent of respondents have had their medical record misplaced, and 9 percent have received the wrong prescription from the pharmacist. Only half of adults—only half of adults—receive routine preventive medical tests, and for adults 35 years and younger, only 30 percent even visit a doctor for routine testing.

At our event last week, these organizations emphasized the importance of preventive care. As is so often the case in our health care system, no data or information is as compelling as a personal story, and we were fortunate on Thursday to hear an extraordinary one.

Gina Gavlak is a diabetes center and emergency department nurse and the vice chair of the American Diabetes Association's advocacy committee.

Gina was diagnosed with diabetes at age 10, and has been living with the disease for the last 29 years. She has worn an insulin pump 24 hours a day, 7 days a week, 365 days a year for the past 12 years. Before using the pump, Gina took over 21,000 insulin injections, an average of 6 times a day.

Gina has battled pre-existing condition rules and outrageously high insurance premiums, but her biggest battle has been the daily management of her disease. She has taken on this battle with extraordinary determination and diligence, and with exemplary results.

Through extremely careful monitoring and management, she has had only two hospitalizations and one emergency department visit due to diabetes. She has never missed a day of work because of diabetes. She has had two uncomplicated pregnancies resulting in the birth of her two healthy children.

Gina's story is both poignant and important. It shows the tremendous benefits that come from comprehensive management of chronic disease—both in quality of life and in reduced cost of care. But not everyone has Gina's unique drive and commitment. Many patients will need an interactive, organized, and prevention-focused health care system to effectively manage their care.

Unfortunately, this is not the health care system we have. The Cancer Society, the Diabetes Association, the

Heart Association, and Consumers Union wrote:

The promise of . . . delivery system reform measures to lower costs is the most humane avenue to a financially sustainable health care system . . .

Although coverage for all Americans is a vital component of this change—a simultaneous effort aimed at securing high-quality, cost-effective preventive care is equally important . . . the time for comprehensive health care reform has arrived and our organizations will work together to help create a health care system capable of consistently delivering the most effective, patient-centered care.

These efforts will improve the quality of life and health outcomes for millions of people who suffer from a chronic disease, and lead to more efficient use of our nation's health resources.

The time has indeed come, not only for coverage reforms that will bring all Americans the security and stability that health insurance provides, but also for a fundamental overhaul of the way our delivery system provides care. That is a necessary investment this budget makes.

We have to be smart about this. We know how bad the system is; we see its looming catastrophic costs; we must invest the time, the money and the effort to transition to a modern, safe, efficient and healing health care system.

That is why this President's budget matters. That is why President Obama's budget is worth passing; it looks beyond the sorry politics of today and addresses the real problems Americans have to cope with day to day, in their regular lives.

I ask unanimous consent that statements by Dr. Timothy J. Gardner and Dan Smith, and a Consumer's Union Release be printed in the RECORD.

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

CONGRESSIONAL BRIEFING ON HEALTH SYSTEM REFORM

(Prepared Remarks for Dr. Timothy J. Gardner, Mar. 26, 2009)

I am pleased to be here today on behalf of the American Heart Association to highlight the need for health system reforms that will result in the high-quality, cost-effective care that our patients deserve. The Heart Association is very pleased to be joined at today's event by Senators Whitehouse, Rockefeller and Schumer and to be collaborating on the statement we're announcing today with the American Cancer Society, the American Diabetes Association, and the Consumers Union.

Cardiovascular disease, including heart attack and stroke, is the nation's leading cause of death and the most costly disease. Cumulatively, the leading chronic diseases—heart disease, stroke, cancer and diabetes—account for three out of every four deaths in the U.S. and the estimated total cost for these diseases exceeds $700 billion each year.

The American Heart Association supports reforms that will extend affordable coverage to all Americans. Equally important, the Heart Association supports measures that will improve the value of cardiovascular and other chronic disease prevention and care. Delivery system changes that speed the translation of new knowledge to practitioners and strategies that improve care coordination are essential to reducing mortality and morbidity from heart disease, stroke and other chronic diseases and to improve the value of the care provided.

The reality is that in our country health care remains largely fragmented and uncoordinated, and as a result, we miss many opportunities to both improve the quality of care that patients receive and prevent disease altogether.

Unfortunately, a patient with chronic diseases like heart disease, stroke, cancer or diabetes often serves as the poster-child for these missed opportunities. As a heart surgeon, I have witnessed many such examples—both in the prevention and treatment of patients with cardiovascular disease. I see conditions that could have been prevented or caught at an earlier, more treatable stage if risk factors—such as hypertension or high cholesterol—had been identified and treated appropriately. And I have seen problems that could have been avoided if evidence-based guidelines were followed.

For example, we know that patients who develop a hospital-acquired infection after undergoing coronary artery bypass surgery have worse outcomes and are twice as likely to be readmitted to the hospital compared to those without an infection. We also know that administering an antibiotic before surgery reduces a patient's risk of a post-operative infection 5–fold. And yet studies have shown that correct antibiotic use preoperatively continues to be uneven, which results in unnecessary complications and rehospitalizations for some patients.

As a physician, I can also attest to the tremendous challenge that doctors and other healthcare professionals face in staying current on the latest evidence and guidelines. As the Institute of Medicine said in its landmark 2001 report, Crossing the Quality Chasm, ''[Health care] today is characterized by more to know, more to do, more to manage, more to watch, and more people involved than ever before.''

The American Heart Association and other scientific organizations have invested a great deal of time, effort, and money developing evidence-based guidelines and science statements to help healthcare professionals give their patients the highest quality care possible. The Heart Association's Get With The Guidelines quality improvement programs, now being used in over 1600 hospitals around the country, are translating many of our science-based Guidelines into practical systems of care that reflect best practices. Interdisciplinary health professional team training and programs that promote the coordination of acute patient care are helping our health providers manage increasingly complex medical care. For example, the Heart Association launched its Mission: Lifeline program, which seeks to decrease critical time to treatment and increase adherence to evidence-based therapies for patients with the deadliest type of heart attack by establishing regional systems of care.

During the briefing session, I shared some of the tools and strategies developed by the American Heart Association that can serve as models of what needs to be done to systemically increase quality of care, with the added benefit of spending healthcare dollars more effectively. By doing so, we will be doing our part to ''bend the cost curve'' for cardiovascular disease.

We look forward to working with Senators Whitehouse, Rockefeller, Schumer and others in Congress, as well as with our partners in the chronic disease and consumer community, to enact meaningful health reform that not only provides health insurance coverage to all Americans but also makes care more patient-centered, reliable, and efficient. Thank you.

HEALTH CARE DELIVERY SYSTEM REFORM PRESS CONFERENCE

(Dan Smith, President, ACS CAN, Mar. 26, 2009)

I want to thank you—Senator Whitehouse, Rockefeller and Schumer for gathering us all here today to talk about the importance of fixing the way we deliver health care in this country. We are encouraged by the work that Congress is already doing in this regard and we look forward to working with you as you move forward.

The American Cancer Society Cancer Action Network, the advocacy affiliate of the American Cancer Society is adding its voice to this discussion because the quality of our nation's health care system will affect our success in the fight against cancer.

Providing all Americans with access to high quality health care will significantly reduce the rates of cancer incidence and mortality and will measurably improve the quality of life for all people with cancer.

I am happy to be standing with my friends from The American Heart Association, The American Diabetes Association, and Consumers Union.

Five years ago, the American Cancer Society, the American Heart Association, and the American Diabetes Association joined forces to create the Preventive Health Partnership.

The Partnership's goal is to reduce the burden of chronic disease by focusing health care policy on prevention. Our organizations all agree that insurance reform by itself is not sufficient. Real reform must include changes in the way we deliver services to people.

We believe all Americans should have access to adequate health care coverage. But coverage is not enough. We must also fundamentally transform the health care delivery system.

That is why we must move from a system focused on episodic treatment of disease to one that focuses much more heavily on wellness, disease prevention and early detection.

We must also:

Increase the delivery of prevention services to detect and mitigate the potential harm of serious diseases and conditions;

Enhance knowledge and awareness of how good outcomes can be achieved; and

Reward providers that utilize them.

In fact, by applying proven prevention and early detection strategies that we have available right now up to ⅔ of all cancers can be prevented.

Investing in these strategies will improve the health of our nation and slow the growth of health care spending.

All four of our organizations are releasing a joint statement today in support of health care delivery system reform.

We all agree that the signs and symptoms of our broken health care system are numerous.

We must address not only coverage and access, but fundamental delivery system reform.

We believe that the time for comprehensive health care reform has arrived. Our organizations stand ready to help create a health care system that delivers effective patient-centered care.

CONSUMER REPORTS POLL: MORE AMERICANS ACQUIRING MEDICAL INFECTIONS AND EXPERIENCING MEDICAL ERRORS

WASHINGTON D.C.—A new Consumer Reports poll finds that 18 percent of Americans say they or an immediate family member have acquired a dangerous infection following a medical procedure and more than one-third report that medical errors are

common in everyday medical procedures. The new poll, which assessed people's experiences with the health care system, also found that only half of adults participate in routine preventive medical testing.

''Healthcare-acquired infections and medical errors can devastate American families who are already struggling with the cost of health care,'' said Consumers Union President Jim Guest. ''These preventable errors and infections can cost families hundreds—if not thousands—of extra dollars each year, and add tens of billions of dollars to our national health care costs. It is imperative that Congress pass health care reform legislation that includes simple safety provisions to help save lives and fix our broken health care system.''

The new poll was released in conjunction with a Congressional briefing on health care delivery system reform with the American Cancer Society, American Diabetes Association and the American Heart Association. The poll was performed March 12–16, 2009, and interviewed more than 2,000 adults on issues such as acquired infections, medical errors, and preventive care.

HEALTHCARE ACQUIRED INFECTIONS

The Center for Disease Control and Prevention (CDC) reports that almost 100,000 people die each year from an infection they contract while in the hospital. Data from the new poll shows that the risks of medical infections continue to be very real.

Nearly one-in-five (18%) reported that they or an immediate family member had acquired an infection owing to a hospital stay or other medical procedure. More than 6 out of 10 reporting an infection told Consumer Reports the infection was severe or life-threatening.

The risk of an infection increased 45 percent if a patient spent the night in the hospital.

Fifty-three percent of Americans polled said these infections required additional out of pocket expenses to treat the infection.

Sixty-nine percent had to be admitted to a hospital or extend their stay because of the infection.

ERRORS IN DIAGNOSTIC TESTING AND TREATMENT

Many Americans told Consumer Reports they regularly encounter errors in routine medical procedures like lab work, CAT scans or blood testing.

More than one-third of Americans polled believe it was very common or somewhat common for an error to occur during a diagnostic procedure.

Thirteen percent have had their medical records lost or misplaced.

Twelve percent have had a diagnostic test that was not done properly.

Nine percent have been given the wrong medicine by a pharmacist when they filled their doctor's prescription

EARLY DETECTION TESTING

Early detection testing is the key to fighting many common illnesses. The new poll highlights the number of adults who have not been screened for common diseases.

While 94 percent of consumers felt it was important to have routine tests for diseases, only 59 percent have discussed testing with their doctors and only 55 percent have actually undergone tests.

This behavior increased sharply with age: Among those 65 years and older, 73 percent have visited their doctor for routine testing, but among adults 35 years and younger, that percentage drops to 30 percent.

''The findings of this poll clearly show that we need to make fundamental improvements in the quality of care that is delivered to American families,'' said Jim Guest. ''Consumers are paying to fix bureaucratic errors and medical harm that can easily be avoided. We need to make sure more Americans have access to basic public information on hospitals quality of care and disclosure of infection rates and medical errors.''

About the poll

The Consumer Reports National Research Center conducted a telephone survey of a nationally representative probability sample of telephone households. A total of 2,005 interviews were completed among adults ages 18+. The margin of error is +/- 2.2% points at a 95% confidence level.

EXHIBIT 1

AMERICAN CANCER SOCIETY, AMERICAN DIABETES ASSOCIATION, AMERICAN HEART ASSOCIATION, AMERICAN STROKE ASSOCIATION, CONSUMERS UNION.

JOINT STATEMENT ON HEALTH CARE DELIVERY SYSTEM REFORM

Our health care system is in desperate need of reform. The number of uninsured Americans exceeds 45 million; health care costs are rising faster than incomes; health disparities persist; and although we spend at least twice as much per capita on health care as our major trading partners, we rank 37th in the World Health Organization's evaluation of health systems worldwide. The signs and symptoms of a broken health care system are numerous and unmistakable, and we must address not only coverage and access, but fundamental delivery system reform, to truly cure what ails us.

The major chronic diseases—cancer, diabetes, cardiovascular diseases, and stroke—account for three out of every four deaths in the United States and the estimated total direct and indirect health care costs for these chronic disease areas exceed $700 billion each year. These staggering human and economic costs will increase as our population ages and as risk factors common to cancer, diabetes, and cardiovascular disease rise in prevalence.

For Americans who struggle with a chronic disease, failure of the health care system to provide quality care throughout the life stages compounds the problems of coverage and cost. Much of America's chronic disease burden could be avoided through better coordination of care, and by applying known best practices to prevent the onset and progression of these conditions, at the primary, secondary and tertiary levels.

While insurance coverage for all Americans is an important goal, we must give equal weight in the health care reform debate to changes that improve the quality of care, increase and improve the delivery of preventive services, and ensure that individuals always receive care that is safe, efficient and without unnecessary interventions, tests, and treatment. To achieve these goals, we must make structural changes: improve our health information technology infrastructure; align financial incentives with evidence-based and cost-effective decision making; and develop a reliable process for assessing the health value of new technologies.

The promise of these delivery system reform measures to lower costs is the most humane avenue to a financially sustainable health care system.

The American Cancer Society, the American Diabetes Association, and the American Heart Association, joined by Consumers Union, share a common objective: to reduce the toll of chronic disease on individuals, families, and our nation. Although coverage for all Americans is a vital component of this change—a simultaneous effort aimed at securing high-quality, cost-effective preventive care is equally important.

We believe that the time for comprehensive health care reform has arrived and our organizations will work together to help create a health care system capable of consistently delivering the most effective, patient-centered care. These efforts will improve the quality of life and health outcomes for millions of people who suffer from a chronic disease, and lead to more efficient use of our nation's health resources.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I have been allocated 5 minutes. I ask the Chair to let me know when 1 minute is remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, today is April Fool's Day and the biggest prank I have seen so far is the one proponents of this budget are trying to pull on the American taxpayer.

Proponents of this budget say the plan is transparent, but the authors knowingly hide a stunning explosion in long-term debt by conveniently dropping the last 5 years of their budget.

Proponents of this budget say the plan cuts taxes for low- and middle-income families, but right there on page 32 is the blueprint for a plan that would raise taxes on anyone who drives a car or heats their home that probably includes almost everybody.

Proponents of this budget will say that it cuts spending, but this plan adds nearly $5 trillion to the public debt in just 5 short years.

Proponents of this budget say this plan is honest because for the first time it extends protections against the tenacious reach of the alternative minimum tax, but revenues from the AMT mysteriously reappear in 2013 and 2014.

Proponents of this budget will say it contains no reconciliation instructions and preserves an important minority privilege. But this budget doesn't preclude reconciliation either, and my colleagues know that our brethren in the House of Representatives are banging on our Chamber doors with a budget that does include reconciliation—which is odd because they don't need it at their end at all. They have a Rules Committee that takes care of all that.

Now I know folks back home in Wyoming are listening to me, scratching their heads and saying ''what the heck is reconciliation and why should I care?'' Let me sum it up this way: reconciliation is the on-ramp to a national energy tax. Reconciliation will make it impossible for me to protect your family from higher energy prices. Reconciliation will make it impossible for me to protect your community from cost-cutting layoffs. Reconciliation will make it impossible for me to make your voice heard here in Washington, DC.

Reconciliation does not allow for a full and open debate. Reconciliation does not allow a thorough vetting and amendment process. Reconciliation's fast-track nature shuts out members of the minority party and will shut out

many centrist Democrats too. Reconciliation is the declaration that any idea other than the majority party idea has no place at the drafting table—just as, so far, there has been no recognition of a Republican idea. I know all the ideas aren't great—but not even one?

As a former committee chairman and the co-author of many successful bipartisan bills, I know firsthand that ramming through reconciliation is not a successful model for good government, and it is certainly counter to the way Senator KENNEDY and I work together on the HELP Committee. Senator KENNEDY and I strive to work together in a bipartisan fashion to achieve legislation that both sides can support. Laws like the Pension Protection Act, the Head Start reauthorization, and the MINER Act were hundreds of pages in length but passed with little dissent in the Senate. The budget resolution we have adopt for the new fiscal year ought to follow a similar bipartisan model, especially on issues like education and health care which are so important to the future of our Nation.

Misusing the reconciliation process to get a health care bill is not the right approach and it conflicts with the new bipartisan spirit that President Obama has promised. A bill passed without work and agreement by both parties on the front end is more like a shotgun wedding than legislating.

This budget includes a massive tax increase—$361 billion in explicit tax hikes and $1.3 trillion embedded in 27 different reserve funds. And despite the ''Robin Hood'' rhetoric of taxing just the ''rich,'' the tax increases contained in this budget will hit all Americans. No one is spared: This budget raises taxes on energy. If you drive a car or heat your home, your taxes will go up. That comes under cap and trade, and there is a clever little thing in here which is where they get the tax cut from. They are going to raise your taxes on all the energy you use, then they are going to give it back to you so you can pay for that. But it will not be an equal distribution based on what you are using.

This budget raises taxes on senior citizens who are dependent on dividend and capital gains income for the retirement income.

This budget raises taxes on charitable contributions at a time when we need charity the most.

This budget reinstates the death tax, making it harder to keep the family ranch or family farm or family business in the family.

This budget raises taxes on small business. More than half of all small businesses that employ between 20 and 500 employees will see their tax bills rise and jobs eliminated. Small business is the incubator for entrepreneurship and we should protect it and nurture it, not tax it. That is where the community donations come from.

And most foolish of all, none of this ''new'' money will help reduce the deficit. Instead, this budget directs all new taxpayer money to the expansion of big Government—more Government programs we can't afford.

I think a newspaper columnist, Diane Badget from Lovell, WY, said it best when she wrote how her mother would react to what is happening in Washington today. Diane wrote, ''Momma always said, 'If you don't have enough money to buy a quart of milk you don't take someone else's hard-earned cash and buy ice cream.' ''

The budget we are debating this week certainly would put us on the hook for a lot of figurative ice cream all right—all kinds of flavors. This budget charts ominous new policy directions for healthcare, education and energy.

I ask unanimous consent her entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 2)

Mr. ENZI. Peter Orszag, Director of the Office of Management and Budget, has argued that we need to fix health care in order to address our current economic crisis—a sentiment echoed by many in this Chamber. But this argument misses an important point. If we enact the wrong health care fix, our budget crisis will get even worse. Simply throwing more money at the problem—as this budget suggests—is not a solution.

I am concerned about the direction of energy policy in this budget. This budget leaves open the possibility of putting in place a carbon cap-and-trade system which will lead to higher energy prices for families and small businesses. Enacting such a system is the equivalent of placing a national tax on energy usage. Raising energy prices at a time when families are struggling to make ends meet just doesn't make sense.

I don't support Federal policies that will increase energy costs, even in good economic times, but it is especially troubling that the budget lays the framework for this national energy tax when unemployment is above 8 percent and rising.

What we need to do now is prepare for the worst and hope for the best. That is the way to make a better future because in the end this budget isn't about numbers. It is about people. But this budget doesn't prepare us for the future. It robs from it.

America, this budget taxes too much, spends too much and borrows too much. I am not fooled by this budget and I hope you are not either.

EXHIBIT 1

[From the Lovell Chronicle, Mar. 26, 2009]

IF MA WAS IN CHARGE

(By Diane Badget)

Gee, I wish my mom was in charge in Washington. Things would be a lot different with her up there watching every move. She had eyes in the back of her head and nothing got past her radar.

Ma would have taken one look at the stimulus package and had a fit. ''You have one minute to explain to me what you were thinking. Your time started yesterday.''

She would have chewed out our president for spending so many hours each day in front of TV cameras pushing his inflated budget and stimulus package at the expense of everything else. ''Barack,'' she would scold, ''you get out of that TV set right now and let someone else have a turn. For heaven's sake, you are a President now, not a candidate—start acting like it.''

Boy, she would have let Congress have it! ''You kids have until the count of three to stop that arguing and stomping around. Don't make me come up there or you'll all be sorry!'' There'd be a long pause and then she'd warn, ''I don't CARE who started it—if I have to come up there I know who'll end it!''

If Ma asked a plain question she'd expect a plain answer, and that would mean accepting responsibility for mistakes immediately. I can hear her now: ''Don't you be blaming this mess on each other. I know when someone is wetting on my leg and telling me it's a rainstorm.''

Ma didn't believe in complex ideas. Heck, I'm not even sure she understood them. ''If you keep things simple,'' she'd be telling the economists, ''you don't have so much to remember and fix later.''

I don't think the banking executives would get by unscathed, either. ''Now, fellas, how much sense does it make to bounce a check and then send the bank another check to cover your overdraft? You know better than that! If you can't learn how to handle money then we need to rethink your allowances.''

She would have rolled those incredible blue eyes and questioned the experts. ''We have to jump start the banks, jump start the auto industry, and jump start the economy? Maybe it's time to stop jump starting and just replace the stupid battery!''

Throwing good money after bad was a pet peeve of hers, and she'd flat let the politicians hear about it. ''Doggone it! If you drop a one dollar bill in the john and are dumb enough to throw a five dollar bill in after it to see what's gonna happen, don't whine when someone else comes along and flushes the toilet.''

She wouldn't have cared that Congress has its own agenda and that it has nothing to do with what she would think was best. She'd hit the hallowed halls of the Capitol Building yelling, ''As long as you are under MY roof you'll do as you're told.''

Ma didn't believe in politics. She never voted. With an air of superiority I once made the mistake of telling her that if she didn't vote she really shouldn't be complaining about the people who got elected. I don't remember much after that.

Senators and Representatives wouldn't stand a chance against her common sense and strong moral fiber. She'd give one of those guaranteed-to-have-you-regret-your-conception looks and pull no punches. ''I don't care what the Speaker of the House said to do. If she told you to jump off a cliff would you do it?'' Um, no Ma, not with you at the bottom ready to kick my behind when I landed.

She definitely wouldn't be happy about the amount of money being discussed. ''What in the heck is wrong with you? If you don't have enough money to buy a quart of milk you don't take someone else's hard earned cash and buy ice cream.'' And she never would have understood the concept of deficit spending. ''You be careful with that money. When it's gone, it's gone.''

If she'd known about the way health care reform would be buried in the stimulus package she would I have come uncorked. ''Alright, just for that little stunt I'm going to sneak broccoli into everything you eat—and

you'll eat it and be grateful. There are thousands of starving Americans who would be thrilled to have what you have.''

She would have chewed them out for being wasteful and for hoping that waste would somehow make things all better. ''Garbage is garbage. No point in giving it a fancy name because it won't change the smell.''

She'd look at all the palms outstretched waiting for their share of the bailout and just shake her head. ''I told you what would happen if you got too big for your britches,'' she'd lecture. ''You got yourselves into this mess, so now you get yourselves out.''

What Washington needs is a good dose of Ma. She'd get them back on track. I think they've forgotten that you can't fill up the bathtub unless you put the plug in the drain first.

Good Grief! It's finally happened. I sound just like my mother! Thank you, Lord.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the order now?

The PRESIDING OFFICER. The current order is for the Senator from South Carolina to speak for 5 minutes, whom I do not see on the floor.

Mrs. BOXER. Since he is not on the floor, I ask the way we would proceed is, Senator BARRASSO wanted to speak in his stead—is that it—for 5 minutes, followed by Senator WHITEHOUSE, followed by me for 5 minutes, if that is OK?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

AMENDMENT NO. 735

Mr. BARRASSO. Mr. President, I rise today in support of Johanns climate change amendment, No. 735. Budget reconciliation was designed to facilitate passage of legislation to reduce the deficit with a simple majority. It was never meant to pass major policy initiatives such as cap and trade.

I was pleased to sign a letter written by both Senator BYRD and Senator JOHANNS opposing the idea of using budget reconciliation to pass climate change. The letter has broad bipartisan support.

Cap and trade would be one of the most dramatic expansions of Government in American history. It is a trillion-dollar climate bailout scheme. This weekend, Thomas Friedman stated in the New York Times that ''we need a climate bailout along with our economic bailout.'' I tend to disagree.

The American people, including my constituents in Wyoming, are very skeptical about any bailouts. So how important is climate change in the interest of the American people? The Pew Research Center did a poll and they showed that climate change ranked dead last with the public in terms of what was important to them. The American public is dealing with the reality of an economic meltdown. This is a real and immediate problem. Trillions of taxpayer dollars are being directed to stimulate the economy. Every step Congress takes to spend additional funds is being watched closely, as it should be, by the American public.

We have passed numerous bailout bills over the past 6 months. We have just passed a $787 billion bailout for an economic plan intended to save or create millions of jobs. The American people deserve the opportunity to have any climate bailout go through the regular order.

Frankly, the American people are demanding the opportunity to have a climate bailout go through regular order. Such legislation should not be enacted using procedures that limit debate and do not otherwise provide the kind of transparency the people of this country want and demand.

I urge Members on both sides of the aisle to support the Johanns amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I want to respond very briefly before I yield to the distinguished chairman of the Environment and Public Works Committee on this question of reconciliation and climate change. One really has to have had their sense of irony surgically removed to keep a straight face on the Senate floor today as the party of reconciliation comes to the floor, over and over again, to complain about the use of reconciliation.

The party of reconciliation is the Republican Party. They have used it 13 times. They used it for George Bush's tax cuts for billionaires. If you have bloody hands from reconciliation, the Republican Party has blood above the elbows from reconciliation. Yet they come to the floor, as innocent as lambs, to say: Oh, my gosh, what a terrible thing it would be if we used reconciliation for something important like protecting the planet from climate change as opposed to just something like, say, our favorite: tax cuts for billionaires.

I think climate change is a little bit too serious for that quality of rhetoric and debate. If the Republican Party in the Senate is willing to stand and say that climate change is not real, then we can have that discussion. But the Senator from Wyoming and the Senator from Idaho and Senators across the other side of the aisle have all had their health directors from their home States come to the Environment and Public Works Committee to say that climate change is real, and it is dangerous for the health of their constituents. I think it is incumbent on us to do something about it. I don't think it is helpful to call it a bailout or to call it a tax. You could unwind the most vigorous rhetoric you like, but it doesn't change the point that we have to do something about climate change.

The fundamental fact that they are defending and the fundamental point that is lurking behind this rhetoric about bailout, rhetoric about a tax, is they want to continue to make it free for industry to pollute our atmosphere with carbon and greenhouse gases.

Behind it all, that is the proposition for which opposition to cap and trade stands. If you are opposed to cap and trade, then what you are saying is, it should be free, it should continue to be free for industry to pollute our atmosphere and warm our planet and compromise the quality of lives of our children. And we, as a party, the Republicans are going to stand and defend that proposition.

Well, of course, they cannot say that. So they instead talk about bailouts and taxes. But I very much hope we will look behind that screen, that we will treat this problem as a serious one, as it should be treated, and if we need to go to reconciliation to solve it, well, by gosh, this would be a far better use of it than the tax rates for billionaires that was the Republican's favorite use for reconciliation.

I yield the floor to my distinguished Chairman.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I hope America is watching this debate. I think Senator WHITEHOUSE was very on point when he exposed what the Republicans are doing. We all know it is perfectly in order to utilize something called reconciliation, which is a way to get around a filibuster, and it is the way to govern with a majority.

The fact is, as Senator WHITEHOUSE has said, since 1980, reconciliation has been used 19 times, 16 times by my Republican friends who now come to the floor and say: Oh, my God, we should not use it for health care, we should not use it for climate change, we should not use it at all.

They do not want to use it because they want to be able to obstruct progress. Now, the reason I hope America is watching this debate is because they will see the difference in the parties. If you listen to the Republicans, what are they saying?

No. We are not going to do any health care reform of any meaning. We are not going to do education reform of any meaning. We say no—they say no—to global warming legislation. They say no to energy legislation. They are the party of nope, and I am in the party of hope. Here is where we stand. Same old politics.

All they want is tax breaks for billionaires, tax breaks for millionaires. We saw where that led us, along with the war in Iraq, budget deficits as far as the eye could see, a recession that is as close as we have come to the Great Depression.

Same old politics, same old policies that got us into this crisis in the first place. So every time they speak, I urge you, America, to listen. It is no. No. No. No. It is no to this new President who ran on fixing the education system. It is no to this President who ran on fixing the health care system. It is no to this President who ran on doing something about global warming. It is no. No. No. No on energy reform.

This budget is so important to be passed because it is, in fact, brought to

us by this new President who had a very strong debate with JOHN MCCAIN, who won a convincing victory, who is off now taking his first foreign trip. I hope that we can make that trip more pleasant for him by rallying around his priorities.

Now, we are going to be facing a slew of amendments that try to undermine and undercut President Barack Obama and the priorities I talked about. We talked a little about reconciliation. When people listen, they do not get what it means, so I will try and explain it. It is a way you can bring up a bill and avoid a filibuster. It is a way you can bring up a bill and pass it with majority votes instead of a supermajority vote.

That is a very important option for us to have when we are dealing with very important issues. I think it is important to be stated right now, important to be stated right now, that in this Senate budget there are no reconciliation instructions regarding climate change. There are no reconciliation instructions.

But the other side is not happy with that. They want to make sure we can vote on it. So Senator JOHANNS has a very simple and straightforward resolution that says: Reconciliation will not be used related to climate change. Senator WHITEHOUSE and I have a side by side with that that says: Fine, we will not use it unless the Senate finds that the public health—I ask unanimous consent for an additional 5 minutes.

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

Mrs. BOXER. Senator WHITEHOUSE and I, and I think the Presiding Officer will be interested in this, have said: OK, we will not use reconciliation unless the Senate finds that the public health, the economy, and national security are jeopardized by inaction on global warming.

What we are doing is saying: If we find that our people are in danger because of inaction on global warming, and if we find we are facing a filibuster from the Republicans on getting anything done, then we should be able to use reconciliation and get around a filibuster. That is what we are saying.

Why did we put in here economy? It is very clear why we did that. Because we believe if we turn out to be the only Nation in the world, in the industrialized world, that is doing nothing, this could hurt us. Because other nations can say: Well, you know what. Until the United States acts, we are not going to have free trade with the United States. We can find ourselves isolated.

We could learn that as a result of inaction, we are not creating the green jobs that we should create and that business wants to create. We should have that opportunity to come together and, with a majority vote, pass global warming legislation.

We could find out from the FBI, the CIA, our Defense Department that tensions are growing around the world due to global warming. We already see in Darfur—and a lot of experts believe that is what has happened to the climate there and the fight over water there. We could learn that our national security has worsened because of climate change.

We already know it is a major issue with the intelligence community. What Senator WHITEHOUSE and I are saying in this side by side is, we will not use this procedure unless we find out there is an emergency. We hope colleagues will realize that to take a very legitimate tool off the table is wrong.

The last point I wish to make is my colleagues on the Republican side keep intimating and saying that any bill on climate change will involve a tax. Nothing could be further from the truth. We are going to rebate funds to people. We are going to rebate funds to our families.

We have turned our back on a tax. Although some of my Republican friends said they would rather see a carbon tax, I rejected it. I do not want a tax. I want to model climate change legislation after the acid rain legislation and set up a free market mechanism to put a price on carbon.

So there is no tax. There is going to be a break for people. They are going to get rebates. Our States are going to get funded. So you can stand and call me a Republican. You can call me a Republican morning, noon, and night. I am not a Republican. I am a Democrat. You can call cap and trade a tax morning, noon, and night. It is not a tax. It is the opposite. It is an allowance.

It is a permit. It is a way to cap the amount of carbon going into the air by requiring that people who pollute purchase the allowance to pollute. Those funds will be given out to the people of the United States of America as we transition to a clean energy future.

I did not expect this budget debate would turn into a battle about climate change. But it has. I am here to say that I welcome this debate. I am very proud that over in the other body, in the House, they have begun their work on climate change. I look forward to seeing the progress that is made over there.

In closing, I hope we will see support for the Whitehouse-Boxer alternative to the Johanns amendment. I hope, at the end of the day, we have support for President Obama's very first budget. The people in this country support our President. They support him over party lines. Those who are Independent support him.

This is his first budget, folks, his first chance to show to the American people the priorities he laid out in his campaign and that are in this budget. Let's not forget it. If we support education and health care and action to clean up this environment, if we support deficit reduction—which is part of this package—then let us support this budget and let us defeat some of these nefarious amendments that are meant to undermine our new President and this budget.

I yield back my remaining time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Earlier, Senator GRAHAM was in a unanimous consent agreement for 5 minutes. Other Senators were here at the time and took the time. It would be appropriate if we allowed Senator GRAHAM 5 minutes at this point. I ask unanimous consent that Senator GRAHAM be allowed to speak for up to 5 minutes.

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

The Senator from Georgia.

Mr. GRAHAM. I thank the chairman for the courtesy.

As we talk about different views of the budget, one thing I would like to comment upon to the people of North Dakota, I have been very struck and impressed by the way the people of North Dakota have come together with the flood. It looks like tough going there but a hearty group. We all wish them well. The two Senators from North Dakota represent their State well.

The Johanns amendment is what I would like to talk about a bit. This idea to most people of a debate about reconciliation probably is mind-numbing and not very interesting. But there is a process in the Congress where you can take legislation and basically put it on a fast track. It is subject to 50 votes.

The Senate has served the country well. When you are in the majority, you don't appreciate the minority's role too much. But the one thing about the Senate, it changes hands fairly often.

The AIG legislation in the House where there is going to be a 90-percent tax on bonuses because people are upset—I can understand people being upset about AIG, but that wasn't the right response, creating a retroactive tax on a limited group of people because you are mad. The power to tax somebody is a pretty awesome power. It should be used in a constitutional and lawful way. Our friends in the House are up every 2 years, and sometimes they get carried away in the moment. I guess sometimes the Senate does as well.

The whole idea of the Senate kind of cooling things down has served the country well. In that regard, to end debate you need 60 votes. If 41 Senators are opposed to a piece of legislation, strongly enough to come to the floor every day and talk about it, that legislation doesn't go anywhere. I argue that is probably a good rule. There were times when we were in the majority that we didn't particularly like the

rule. But if 41 Senators from one party or a bipartisan group believes that strongly, it is probably worth sitting down and thinking about.

If you took climate change and health care, two very controversial, big-ticket items, and put them on the reconciliation track, you would basically be doing a lot of damage to the role of the Senate in a constitutional democracy.

Senator BYRD, who is one of the smartest people to ever serve in the Senate about rules and parliamentary aspects of the Senate, said that to put climate change and health care reform in reconciliation is like ''a freight train through Congress'' and is ''an outrage that must be resisted.''

Senator CONRAD said:

> I don't believe reconciliation was ever intended for this purpose.

I think both of them are right. Under the law, you cannot put Social Security into reconciliation because we know how controversial and difficult that is. I come here in support of the Johanns amendment that rejects that idea.

Our majority leader said something a little bit disturbing. He said climate change cap-and-trade revenues could be used to pay for health care. If we put climate change in reconciliation, you have really abused the process and will create a bad climate for the Congress. There is a lot of bipartisan support not to go down that road to abuse reconciliation. From the climate change debate, there are some Democratic and Republican Senators who are opposed to 100 percent auction. We believe climate change is real but do not want to go down the road the administration has charted. I believe manmade emissions are heating up the planet. But if you take the revenue stream from the climate change bill to fund the Government, you will lose a lot of support for climate change. The money that is generated from a cap-and-trade system should go back into the energy sector to allow people to comply with the cost of a cap-and-trade system. The Obama proposal, $3,000 per family, is a very expensive proposal. There is bipartisan support for climate change legislation with a mix of auctions and credits that could be done in a reasonable way.

The idea of putting climate change or health care in reconciliation will bring the Congress to a halt. It would be everything opposite of what the President ran on in terms of bringing us together. There is a lot of Democratic push back for this idea. I applaud my Democratic colleagues who think it is a bad idea because it is.

I do pledge to work on climate change. Health care will be tough. We will certainly try that. But there is bipartisan support for climate change legislation through the normal process. For those who disagree that it is a problem, they can have their say and we can get the votes necessary to put together a bipartisan climate change bill through the normal process.

Senator JOHANNS from Nebraska has done the Senate a service by putting this amendment forward. I urge its adoption and yield the floor.

Mr. CONRAD. Mr. President, I want to indicate for all colleagues what is happening. We are about to go to a series of votes. It is not clear how many in total. I would say it is probably at least nine, perhaps more, rollcall votes. We are waiting for the unanimous consent agreement to be entered into.

When we start this process, we are going to have 2 minutes equally divided before each amendment. We will start with the Lieberman-Collins amendment and then go to the Alexander amendment, then the Sessions amendment—at least this is the understanding at this point—then we will proceed until all of the amendments have been dispensed with. Then, once those are completed, the ranking member and I will work on another series of amendments to have in order.

This evening, there will be an opportunity for Members to present their amendments. We have not yet decided if they would be able to call them up or just speak on them and then call them up tomorrow. This goes to the question of trying to make sure there is some fairness going back and forth between the two sides. We do not have a Sessions modification on which we are waiting.

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

Mr. CONRAD. Yes.

Mr. COBURN. I ask if we could bring up some amendments. They would be voted in the vote-arama, and I have no problem with that, not wanting a specific vote before that, but we could get them up and get them pending.

Mr. CONRAD. We can't do that with amendments we have not yet seen.

Mr. COBURN. Every one of them has been filed.

Mr. CONRAD. We have 150 amendments that have been filed. Before we go to somebody to call up an amendment, we need to be able to see it because if we start the debate, we need, for the effective and efficient ordering of the debate, to be able to answer the amendment.

Mr. COBURN. I ask unanimous consent to speak on the budget until the time should come up for the UC and not to exceed 15 minutes.

Mr. CONRAD. I want to make certain that we have a chance to interrupt and go immediately to the votes.

Mr. COBURN. Mr. President, if we have a unanimous consent agreement, I will cease the discussion.

Mr. CONRAD. All right.

So, Mr. President, I ask unanimous consent that Senator COBURN be permitted to talk on the budget generally for up to 15 minutes, but if we have the unanimous consent request ready to go, that he be interrupted so we can get on to votes as quickly as possible because we are already 15 minutes behind schedule.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Mr. President, reserving the right to object, I say to the chairman of the Budget Committee, I have no problem with this. I want to do two things. First, I want to make sure the Whitehouse-Boxer amendment is at the desk and would be considered in order when we have another tranche of votes later tonight. Is that done?

Mr. CONRAD. That is in the unanimous consent request we are working on. We have not yet agreed to the whole package, but it is in the proposal to be agreed on next.

Mrs. BOXER. OK. I would ask, if Senator COBURN does use the full 15 minutes, I would like to have 5 minutes when he is done, if we are not voting. And if we are, obviously, I do not need the 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, first off, I thank the chairman for his graciousness.

If you are sitting at home right now and you have a job and you see the tough times that are out there, or you are sitting at home and looking for a job, one of the things you are doing is you are starting to say: Here is what is coming in and here are the mandatory things that have to go out, and you are starting to prioritize.

We have a budget before us that prioritizes two things. It prioritizes growing the Federal Government by a huge amount over the next 10 years. If you were running a business and you were at these times, the last thing you would do is go borrow money to expand a business into a market that is not growing. Yet we have before us the biggest budget in the history of the country—a budget that will, in fact, double the debt that is going to our kids over the next 5 years and triple it over the next 10 years. It does not fit what any of us would do with our own families' budgets or our own businesses' budgets.

Why is it we are afraid to say that what we really need to do is live within our means? Instead, we are going to have a $1.7 trillion, maybe a $1.8 trillion, maybe even a $2 trillion deficit this year and something very close to that next year.

Instead of cutting some of the $380 billion of documented waste, fraud, and abuse associated with the Federal Government, we are not looking at it at all. When President Obama ran for the office, he said one of the things he was going to do was a line-by-line item analysis of every Department, at every area, to make sure it was effective and efficient at accomplishing the task it was set out to do. We have not seen any of that, and there is none of that in this budget. If, in fact, we were to do that, here is what we would find. We would find $50 billion worth of wasted money at the Pentagon. There is no effort to do that in this budget.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, will the Senator yield?

Mr. COBURN. Mr. President, I will be happy to yield.

Mr. CONRAD. Mr. President, I would say to the Senator, we are now prepared to go forward with the unanimous consent request to set up the votes, and if the Senator would permit us to do that, we could get an earlier start on the votes.

Mr. COBURN. Mr. President, I would be happy to. I would like to have 1 minute to wind up the one point.

Mr. CONRAD. Fair enough.

Mr. COBURN. Thank you.

We have $80 billion worth of fraud in Medicare. Yet we are going to talk about health care, but we are not going to fix the problem with Government-run health care and the fraud that is associated with it. We have $40 billion in Medicaid. There is no attachment to do that. So what we are doing is we are not trimming spending anywhere, we are going to raise taxes significantly, and we are going to grow the Federal Government in a time when we can least afford to grow it.

The idea that we can have prosperity out of the Government instead of out of our own individual efforts is counterintuitive to everything this country stands for.

With that, I will carry on my debate at a later time, and I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Oklahoma for his courtesy. It is gracious of him, as is typically the case with the Senator from Oklahoma.

Mr. President, I ask unanimous consent that at 3:20 p.m. today, the Senate proceed to vote in relation to the amendments listed below and that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in this sequence, the succeeding votes be limited to 10 minutes each; that no intervening amendments or motions be in order during this vote sequence prior to a vote in relation to the amendments, except if a point of order is raised and a motion to waive the relevant point of order is made; that all time consumed during the votes be counted against the time remaining on the budget resolution; the order of the amendments is as follows: Lieberman-Collins No. 763, and that the purpose line be changed as noted at the desk; Alexander No. 747; Sessions No. 772, and that the amendment be modified with the changes at the desk; Casey No. 783; Ensign No. 804; Kerry No. 732; Cornyn No. 806; Gregg No. 835; Isakson No. 762; Shaheen No. 776; Crapo No. 844; Reed No. 836; Johanns No. 735; and Whitehouse-Boxer as a side by side with the Johanns amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, reserving the right to object, traditionally—I think we ought to go back to the usual order on Whitehouse-Boxer. It being a second degree, it would go first.

Mr. CONRAD. Well, that is the typical order. Let's take a quick pause, and we will check with the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I would refine my request to have the Whitehouse-Boxer amendment that is a side by side to Johanns be voted on first, and then Johanns amendment No. 735.

Mr. GREGG. Mr. President, reserving the right to object, how did we decide to deal with Senator KYL's amendment?

Mr. CONRAD. Senator KYL's amendment is awaiting a side by side from Senator BAUCUS.

Mr. KYL. That would be included within this list we have, however, with or without the side by side?

Mr. CONRAD. I have not seen the side by side. Could we do this, could we begin on these?

Mr. KYL. Of course.

Mr. CONRAD. Then we will work diligently to come up with something that is acceptable.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The purpose to amendment No. 763 was changed to read as follows:

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

The amendment (No. 772), as modified, is as follows:

On page 4, line 14, decrease the amount by $33,165,000,000.

On page 4, line 15, decrease the amount by $36,815,000,000.

On page 4, line 16, decrease the amount by $42,696,000,000.

On page 4, line 17, decrease the amount by $47,420,000,000.

On page 4, line 18, decrease the amount by $53,806,000,000.

On page 4, line 23, decrease the amount by $22,465,000,000.

On page 4, line 24, decrease the amount by $36,115,000,000.

On page 4, line 25, decrease the amount by $40,846,000,000.

On page 5, line 1, decrease the amount by $46,570,000,000.

On page 5, line 2, decrease the amount by $52,956,000,000.

On page 5, line 7, decrease the amount by $22,465,000,000.

On page 5, line 8, decrease the amount by $36,115,000,000.

On page 5, line 9, decrease the amount by $40,846,000,000.

On page 5, line 10, decrease the amount by $46,570,000,000.

On page 5, line 11, decrease the amount by $52,956,000,000.

On page 5, line 17, decrease the amount by $22,465,000,000.

On page 5, line 18, decrease the amount by $58,580,000,000.

On page 5, line 19, decrease the amount by $99,426,000,000.

On page 5, line 20, decrease the amount by $145,996,000,000.

On page 5, line 21, decrease the amount by $198,952,000,000.

On page 5, line 25, decrease the amount by $22,465,000,000.

On page 6, line 1, decrease the amount by $58,580,000,000.

On page 6, line 2, decrease the amount by $99,426,000,000.

On page 6, line 3, decrease the amount by $145,996,000,000.

On page 6, line 4, decrease the amount by $198,952,000,000.

On page 26, line 24, decrease the amount by $165,000,000.

On page 26, line 25, decrease the amount by $165,000,000.

On page 27, line 3, decrease the amount by $815,000,000.

On page 27, line 4, decrease the amount by $815,000,000.

On page 27, line 7, decrease the amount by $2,196,000,000.

On page 27, line 8, decrease the amount by $2,196,000,000.

On page 27, line 11, decrease the amount by $4,420,000,000.

On page 27, line 12, decrease the amount by $4,420,000,000.

On page 27, line 15, decrease the amount by $7,306,000,000.

On page 27, line 16, decrease the amount by $7,306,000,000.

On page 27, line 23, decrease the amount by $33,000,000,000.

On page 27, line 24, decrease the amount by $22,300,000,000.

On page 28, line 2, decrease the amount by $36,000,000,000.

On page 28, line 3, decrease the amount by $35,300,000,000.

On page 28, line 6, decrease the amount by $40,500,000,000.

On page 28, line 7, decrease the amount by $38,650,000,000.

On page 28, line 10, decrease the amount by $43,000,000,000.

On page 28, line 11, decrease the amount by $42,150,000,000.

On page 28, line 14, decrease the amount by $46,500,000,000.

On page 28, line 15, decrease the amount by $45,650,000,000.

On page 50, line 13, decrease the amount by $33,000,000,000.

On page 50, line 14, decrease the amount by $22,300,000,000.

AMENDMENT NO. 763

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on the Lieberman-Collins amendment.

Mr. GREGG. Mr. President, we would be willing to take the Lieberman-Collins amendment by unanimous consent.

Mr. CONRAD. There would be no objection on this side to taking Lieberman-Collins by unanimous consent.

Mr. GREGG. Mr. President, I ask unanimous consent that the Lieberman-Collins amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the Lieberman-Collins amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 763) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 747

Mr. CONRAD. Mr. President, next is the Alexander amendment.

May I say to colleagues, if staffs are listening, Members are listening, the Alexander amendment is next in line, then the Sessions amendment, then the Casey amendment, then the Ensign amendment, then the Kerry amendment, then the Cornyn amendment. It is very helpful if Senators are here when their amendments are called up. Also I say to colleagues, after the first vote, we are going to be dealing with 10-minute votes.

So, again, we have done the Lieberman-Collins amendment.

AMENDMENT NO. 747

The Alexander amendment is next, and Senator ALEXANDER is here.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, I understand I have 60 seconds.

The PRESIDING OFFICER. That is correct.

Mr. ALEXANDER. Mr. President, this is the runaway debt limit amendment. It says 60 Senators have to agree before a budget can raise our national debt to more than 90 percent of U.S. gross domestic product, which this budget does every single year.

We saw this week the leverage a lender can have over a borrower when the President of the United States fired the president of General Motors. Well, China, Japan, and Middle Eastern oil countries already own $1.4 trillion of U.S. debt. So vote yes on the runaway debt limit amendment if you do not want China, Japan, and Middle Eastern oil countries telling the United States how to run our business in the same way our Government is telling General Motors how to run its business.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a well-motivated amendment, but I think it is fatally flawed. The cure here is to make it harder to do a budget. If we are serious about reducing deficits and debt, I think all of us would want to do everything we can to encourage a budget resolution because it contains the fundamental disciplines to prevent deficits and debt from growing larger.

So I would say to my colleagues, while I understand the sentiment, and share in it, I think we all have to be concerned about burgeoning debt. To make it harder to get a budget resolution, actually, I think undermines the effort to establish fiscal discipline because you lose all of the disciplines that are provided for in a budget resolution, all of the special points of order, the supermajority votes that are required to increase spending beyond what the budget resolution provides.

So I urge my colleagues to vote no on the Alexander amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 747.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—43

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

NAYS—55

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

NOT VOTING—1

Kennedy

The amendment (No. 747) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 772, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 772, as modified, offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this amendment would call for the level funding of nondefense—my amendment earlier today was nonveteran discretionary spending—by leveling the funding for 2 years and having a 1-percent growth for 3 years.

This is reasonable and responsible, No. 1. No. 2, let me recall to our colleagues the stimulus package that we passed a few weeks ago, which increases nondefense discretionary spending by an average of 30 percent over the next 3 years. We are not cutting our spending for discretionary accounts this year. We are seeing them surge. But in light of the stimulus package, this will be an excellent way to contain spending and save $200 billion over 5 years.

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

Mr. CONRAD. Mr. President, freezing domestic spending is a mistake at a time of sharp economic downturn. You would be freezing education spending, freezing health care and transportation and freezing law enforcement.

Beyond that, the Senator sought earlier to freeze veterans, and then he had an amendment to add back $1 billion for veterans. The problem is, the additional spending for veterans in the chairman's mark is $5.5 billion. If you want to cut veterans $4.5 billion from the chairman's mark, vote for the Sessions amendment. If you want to keep veterans whole, vote no.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I thank the Chair.

Mr. SESSIONS. Mr. President, 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 amendment No. 772, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—40

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

NAYS—58

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

NOT VOTING—1

Kennedy

The amendment (No. 772), as modified, was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 783, 732, 762, AND 776

Mr. GREGG. Mr. President, I ask unanimous consent that we approve the following amendments, agreed to by both sides: Senator CASEY, amendment No. 783; Senator KERRY, amendment No. 732; Senator ISAKSON, amendment No. 762; and Senator SHAHEEN, amendment No. 776.

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senators who agreed to allow us to take their amendments by voice vote. I thank them for their courtesy to their colleagues. Senator CASEY, Senator KERRY, Senator ISAKSON, and Senator SHAHEEN set a very good example for our colleagues and we appreciate it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished managers of the bill. One of the amendments that was just accepted—and I want to make clear Senator LUGAR is a cosponsor of it, together with Senator CORKER and others on that side of the aisle.

This is an amendment that adds to the function 150 account. I want to make clear to colleagues why that was so important. Secretary Gates, a year and a half ago, while he was still Secretary serving with President Bush, said the following:

> What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security, diplomacy, strategic communications, foreign assistance, civic action, and economic reconstruction and development.

National Security Adviser Jim Jones, just the other day, mentioned that we have huge warships off the coast of Lebanon, but Hezbollah is, in fact, gaining more foothold because they are building schools and building homes and involved on the ground. Our diplomacy and our foreign policy needs to do that. With the acceptance of this amendment, hopefully, we are going to.

I thank the distinguished managers.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I remind our colleagues that these are 10-minute votes. This is sort of like the hors d'oeuvre for tomorrow. Get used to this. Please try to stick around.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator ENSIGN is next.

AMENDMENT NO. 804

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 804 offered by the Senator from Nevada, Mr. ENSIGN.

Mr. ENSIGN. Mr. President, this amendment is very simple. The President, during his campaign, as well as during his speech to the Nation—his first major speech to the Nation—promised Americans who made less than $250,000 as a family that not one dime of their taxes would be raised. Repeatedly he has said it, time and again, and he listed taxes and basically said any taxes. That means direct and indirect taxes.

My amendment makes the Senate and the House keep that promise made by the President.

There is going to be a point made that the Parliamentarian is going to rule that this threatens the nature of the budget resolution being a privileged resolution. We submitted some questions to the Parliamentarian. We asked him:

> When was the last budget that lost its privileged status?

Never happened. We also asked:

> Has one amendment ever resulted in a budget resolution losing its privileged status?

That has never happened.

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

Mr. ENSIGN. Mr. President, I ask for 30 additional seconds.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I hope we do not do that because if we start adding time on both sides—

Mr. ENSIGN. Just 30 seconds to explain because we had a big discussion with the Parliamentarian.

Mr. CONRAD. Because of the unusual nature of this, go ahead.

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

Mr. ENSIGN. Mr. President, just to finish, Senator GREGG offered earlier—because the Parliamentarian was saying that one amendment could threaten but not necessarily kill this budget resolution, we asked the Parliamentarian to clarify. He said this has never happened. One amendment has never brought down a budget resolution from a privileged process. So do not make that as an excuse on this budget for stripping this amendment out of the conference report when it comes back, if it is adopted.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I intend to vote for the Ensign amendment. I don't think any of us want to raise taxes on those earning less than $250,000 a year, and so I intend to vote for the Ensign amendment.

On the question of threatening the special status of the budget resolution, the Parliamentarian made clear this morning in a series of questions that if we brought this matter back from conference, that would threaten the privileged nature of a budget resolution. That would be a very serious matter. But in the Senate, I intend to support the Ensign amendment.

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—98

Akaka	Cochran	Inouye
Alexander	Collins	Isakson
Barrasso	Conrad	Johanns
Baucus	Corker	Johnson
Bayh	Cornyn	Kaufman
Begich	Crapo	Kerry
Bennet	DeMint	Klobuchar
Bennett	Dodd	Kohl
Bingaman	Dorgan	Kyl
Bond	Durbin	Landrieu
Boxer	Ensign	Lautenberg
Brown	Enzi	Leahy
Brownback	Feingold	Levin
Bunning	Feinstein	Lieberman
Burr	Gillibrand	Lincoln
Burris	Graham	Lugar
Byrd	Grassley	Martinez
Cantwell	Gregg	McCain
Cardin	Hagan	McCaskill
Carper	Harkin	McConnell
Casey	Hatch	Menendez
Chambliss	Hutchison	Merkley
Coburn	Inhofe	Mikulski

Murkowski	Sanders	Udall (CO)
Murray	Schumer	Udall (NM)
Nelson (FL)	Sessions	Vitter
Nelson (NE)	Shaheen	Voinovich
Pryor	Shelby	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Risch	Stabenow	Wicker
Roberts	Tester	Wyden
Rockefeller	Thune	

NOT VOTING—1

Kennedy

The amendment (No. 804) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 806

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 806, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, my amendment creates a 60-vote point of order against legislation that will raise income taxes on small businesses. This is the third year in a row that I have offered this amendment. Previously, it has received as many as 63 votes. Last year, it got 58 votes, but it nevertheless was a strong bipartisan showing.

For my colleagues' information, the National Federation of Independent Business supports this because they recognize what we all know, and that is that small businesses are the economic engine that creates jobs. Particularly in a tough economy, exactly the wrong thing to do is to raise taxes on the job creators, our small businesses.

I urge my colleagues to support this amendment.

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

Mr. CONRAD. Mr. President, colleagues should know that the Parliamentarian has told us that if this amendment comes back from the conference committee, it would endanger the special privilege of a budget resolution. With that said, I intend to vote for it here in the Senate. I encourage colleagues to vote for it, if they are so inclined.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I understand what the chairman, Senator CONRAD, has said. My hope is that the conference committee would not reflexively strip this amendment, if it passes by a large bipartisan majority, from the conference report but perhaps modify it in a way that it not render the budget resolution unprivileged.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that to the end of the list of amendments to be considered in this tranche, we add the Kyl amendment No. 793. That is according to the commitments we had made to colleagues that that would be added to this tranche.

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

The question is on agreeing to amendment No. 806.

Mr. CONRAD. 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 Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—82

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

NAYS—16

Bingaman	Feingold	Rockefeller
Brown	Harkin	Sanders
Byrd	Kaufman	Voinovich
Cardin	Kerry	Whitehouse
Casey	Merkley	
Durbin	Reed	

NOT VOTING—1

Kennedy

The amendment (No. 806) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 835

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relationship to amendment No. 835 offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that Senator ISAKSON be added as a cosponsor.

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

Mr. GREGG. Mr. President, this amendment is an attempt to move down the road in resolving what is at the center of the problems which we have as a nation for fiscal policy in the future, which is that we are passing on to our children a country they cannot afford, primarily driven by the cost of entitlement programs. There are $66 trillion of unfunded entitlements.

This is a proposal to start to address that issue through using a fast-track procedure, with a bipartisan task force. The debate this morning was about how that task force is structured. We believe, I feel strongly, that the task force must be bipartisan or will not be viewed as fair.

In order to be bipartisan, a majority of both the minority members of the task force and the majority members of the task force have to vote for the proposal, whether or not there is going to be a membership which gives the majority a significant number of members more than the minority. But that minority membership has to vote as its group as a majority. It is the only fair way to do this; otherwise, you could end up with a report where, let's say, there are six Republicans on the task force and only two approve it. That would not work properly. We need bipartisanship in this effort.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is actually a proposal that Senator GREGG and I have made. But this is at variance from our earlier agreement. Let me explain why. We talked about a membership of 16, 8 Democrats and 8 Republicans. But that is when the Republicans controlled the White House; Democrats controlled the House and the Senate.

Now Democrats have more numbers in the House and the Senate and control the White House. Yet the requirement of this task force is that the bipartisan task force, to report, has to have majority approval of each participating party.

That gives our friends who are in the minority an unfair ability to influence the outcome. That does not recognize the political reality of the Senate controlled by Democrats, the House controlled by Democrats, the White House controlled by Democrats.

Absolutely it should be bipartisan. But it should not be something that weights both parties the same. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—1

Kennedy

The amendment (No. 835) was rejected.

Mr. CONRAD. Madam 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. 844

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 844 offered by the Senator from Idaho, Mr. CRAPO.

The Senator from Idaho.

Mr. CRAPO. Madam President, this amendment is straightforward. One of the reasons Congress cannot control its runaway spending is that we always have 5-year budgets, where the tough decisions are made in the outyears, and in the first year of the budget, we don't make any tough decisions. This amendment will put a cap on the nondefense discretionary spending for the first 3 years of this budget using the very numbers of the budget.

Why do we want to do this? Look at the budget. In the first year of this budget, nondefense discretionary spending grows by 7.3 percent. It is true that in the second and third and outyears, that rate of growth is projected to go down to under 2 percent. But we never get to the second year of any of our budgets because next year we will come back and start all over. We will have a budget where all the pain is in the outyears and the first year doesn't make any hard choices. We need to support this effort to put some teeth into the budget, put caps on at least the first 3 years of the numbers this budget proposes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I urge colleagues to vote against this amendment. At this time of extraordinary uncertainty, multiyear caps are especially unwise. Beyond that, we have a 1-year cap. This is a budget that will be revisited next year. A 1-year cap makes sense. Multiyear caps at a time of this uncertainty would be most unwise.

I urge colleagues to vote no.

Mr. CRAPO. 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 amendment No. 844.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—43

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

NAYS—55

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

NOT VOTING—1

Kennedy

The amendment (No. 844) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 836

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 836, offered by the Senator from Rhode Island, Mr. REED.

The Senator from Rhode Island.

Mr. REED. Mr. President, I am very pleased to offer this amendment with my colleague, Senator SNOWE of Maine. It is a bipartisan amendment that would increase funding for LIHEAP from $3.2 billion to $5.1 billion. That $5.1 billion is the total we spent this year.

This is a program critical to seniors, critical to low-income people. With unemployment rates soaring in double digits, there are more and more people who will qualify. If we do not raise this ceiling, approximately 1.5 million households will lose help with their heating bills, not only in the wintertime but in the hot months in the areas of the Southwest and Southeast because they, too, benefit from LIHEAP.

Mr. President, I would be prepared to accept a voice vote, hopefully a very positive voice vote. If not, I would ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be approved.

Mr. CONRAD. Without objection.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 869

Mr. CONRAD. Mr. President, the next amendment that is in order is the Whitehouse-Boxer amendment.

Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Thank you very much, Mr. President.

Mr. President, this amendment requires the Senate to balance, on the one hand, the newfound concern of our Republican colleagues about the reconciliation procedure they have used no less than 14 times for purposes such as raising the national debt to give America's suffering billionaires a tax cut against, on the other hand, jeopardy to the economy, to the public health or to the national security of the United States.

It allows the reconciliation procedure to be considered if the Senate finds that inaction on climate change will jeopardize the public health, the economy or the national security of the United States.

I urge my colleagues to vote in favor of the economy, the national security, and the public health of the United States. I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself and Mrs. BOXER, proposes an amendment numbered 869.

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

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

The amendment is as follows:

Section 202 is amended by inserting at the end the following: ''(c) The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974,'' unless, the Senate finds that public health, the economy and national security of the United States are jeopardized by inaction on global warming.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I ask my colleagues to vote against this amendment. I ask them to vote against this amendment because it is important for Senate tradition.

Some weeks ago, a man whom I respect a tremendous amount, Senator BYRD, and I circulated a letter. It was directed to the chairman of the Budget Committee. It simply said: Please don't use reconciliation to pass complex legislation such as climate change. We got over 30 signatures on that—very bipartisan. We had Democrats and we had Republicans join in that.

If we allow this amendment to pass, basically what we are saying is, under the terms of this language, a majority of Senators can arrive and simply take away our ability to have a robust debate, to have the ability to debate this issue the way it deserves, and this is enormously significant legislation.

So I ask my colleagues to vote no on this amendment. It is important to the tradition of the Senate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, the pending amendment is not germane to the measure now before the Senate. I raise a point of order under section 305(b)2 of the Budget Act.

Mrs. BOXER. Madam President, I ask unanimous consent to waive the point of order.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

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

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—42

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Nelson (FL)
Bayh	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cardin	Kohl	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—56

Alexander	Ensign	McCaskill
Barrasso	Enzi	McConnell
Begich	Feingold	Murkowski
Bennett	Graham	Murray
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Sessions
Cantwell	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Specter
Cochran	Kyl	Stabenow
Collins	Landrieu	Thune
Corker	Levin	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Webb
DeMint	Martinez	Wicker
Dorgan	McCain	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. CONRAD. 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.

AMENDMENT NO. 735

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, on the Johanns amendment.

Who yields time?

Mr. CONRAD. Senator JOHANNS has time in support.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Madam President, let me thank my colleagues for their thoughtful approach to a very important issue.

What this amendment essentially does is say that the budget reconciliation process will not be used to pass climate change legislation. There are many in this body who can talk about this institution and the importance of approaches such as this.

Budget reconciliation was designed to reduce the deficit. It was never designed to pass complex legislation such as climate change. What this amendment does is it very clearly says that. It simply says reconciliation will not be used for that process.

I urge my colleagues to vote yes on this amendment. It is enormously important. I think it is an enormously important statement for this institution.

I ask for the yeas and nays.

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

The yeas and nays were ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. I yield the time in opposition to Senator BOXER.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I wish to give you two reasons to vote no on this important, precedent-setting issue. Why would we start down this road taking a legal Senate procedure off the table? Have we ever done this before? We have looked it up and the answer is no.

On the contrary, let me tell you when the Republicans used reconciliation. They used it 14 times in the 19 times it has been used—to cut food stamps, to cut energy assistance, to cut impact aid, to cut title I, to cut dairy price supports, and to cut the Social Security minimum benefit.

Did I ever hear any of them then say: Oh, my goodness, reconciliation should not be used. Oh, no, which brings me to my second reason for voting no on this: hypocrisy and duplicity. Let me tell you what else the Republicans used it for: to cut Federal civilian and military retirement and disability COLAs, to delay and cut disaster loans to farmers. Let's stand tall for what we have a right to have, our rules. Thank you.

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

The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—67

Alexander	DeMint	McCaskill
Barrasso	Dorgan	McConnell
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Begich	Feingold	Nelson (NE)
Bennet	Graham	Pryor
Bennett	Grassley	Risch
Bingaman	Gregg	Roberts
Bond	Hagan	Rockefeller
Brownback	Hatch	Sessions
Bunning	Hutchison	Shelby
Burr	Inhofe	Snowe
Byrd	Isakson	Specter
Cantwell	Johanns	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Vitter
Cochran	Landrieu	Voinovich
Collins	Levin	Warner
Conrad	Lincoln	Webb
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—31

Akaka	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Udall (CO)
Dodd	Lieberman	Udall (NM)
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Gillibrand	Mikulski	
Harkin	Nelson (FL)	

NOT VOTING—1

Kennedy

The amendment (No. 735) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 793

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on amendment No. 793.

Who yields time? The Senator from Arizona.

Mr. KYL. Madam President, my amendment prohibits Federal rationing of health care. A provision of the stimulus bill has raised a lot of concern. Madam President, $1.1 billion has been allocated for comparative effectiveness research.

Here is the exact effective language from my amendment:

> The Secretary of Health and Human Services shall not use data obtained from the conduct of comparative effectiveness research to deny coverage of an item or service under a Federal health care program.

That is all it does. Some say: Why do you need that? We are never going to do that.

Well, then, we might as well say we are not going to do that. But when it came to Medicare Part D, we wanted to be sure we did not withhold coverage of a prescription drug, and as a result we provided that kind of language.

Just last Thursday, the Acting Director of the NIH talked about research in terms of guiding future policies that support the allocation of health resources for the treatment of acute and chronic diseases. That is deciding what to cover and not cover.

My amendment does not prevent the Secretary from protecting patients from unsafe or ineffective drugs. It is simply about using this kind of research to ration health care.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this is a rather remarkable amendment. It basically says we cannot pay any attention to the fruits of clinical research in making decisions about what is covered under health care reform. I find that pretty amazing.

For example, let's say that clinical research shows a certain procedure is not only not good but it is harmful, such as Vioxx, which caused problems for seniors. This amendment says we cannot use that evidence. We cannot use that information. We can't do that because it might suggest we can't use a certain procedure—Vioxx.

This is an ostrich amendment. This is a head-in-the-sand amendment. We want to have the benefits of clinical research so that doctors can make up their own minds what is the best procedure. We want the fruits and the benefit of clinical research to address the quality of health care.

I urge Members to vote for health care and vote against this amendment.

I might say, too, Madam President, that I misspoke earlier when I said who is a cosponsor of the bill. We are urging Senators ENZI and HATCH to cosponsor the bill. They haven't quite done that yet, but I think it is going to happen.

The PRESIDING OFFICER. Time has expired.

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—1

Kennedy

The amendment (No. 793) was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 806

Mr. GRASSLEY. Madam President, everyone in this body knows that small businesses are an extremely important dynamic part of the U.S. economy. I like to say that small business is the engine that drives the U.S. economy. President Obama agrees that small businesses have generated 70 percent of net new jobs over the past decade. I was pleased to see that Senator CORNYN's small business amendment passed earlier tonight by an overwhelming vote of 82 to 16.

America's small businesses have been suffering during this recession. Big banks have been cranking down lending to small businesses.

In addition, job losses for small businesses have been staggering. A national employment report released today by Automatic Data Processing shows that 742,000 nonfarm private sector jobs were lost from February to March 2009. Of those 742,000 lost jobs, 614,000, or 83 percent, were from small businesses. Let me repeat that. From February to March, small businesses lost 614,000 jobs, or 83 percent of all nonfarm private sector job losses.

The President's recent efforts to increase lending to the small business sector are commendable. The centerpiece of his small business plan will allow the Federal Government to spend up to $15 billion to purchase the small-business loans that are now hindering community banks and lenders. However, the positives that will come to small businesses from these loans which will ultimately have to be paid back will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not wise.

The President's Budget proposes to raise the top two marginal rates from 33 percent and 35 percent to 40 percent and 41 percent respectively, when PEP and Pease are fully reinstated. President Obama's marginal rate increase would mean an approximately 20 percent marginal tax rate increase on small business owners in the top two brackets.

Many of my friends on the other side will say that while they agree that successful small businesses are vital to the success of the U.S. economy, the marginal tax increases for the top two brackets will not have a significant negative impact on small businesses.

Proponents of these tax increases seek to minimize their impact by referring to Tax Policy Center data that indicate about 2 percent of small business filers pay taxes in the top two brackets. They argue that a minimal amount of small business activity is affected.

However, there are two faulty assumptions to this small business filer argument.

The first faulty assumption is that the percentage of small business filers is static. In fact, small businesses move in and out of gain and loss status depending on the nature of the business and business cycle. Also, the 2 percent figure from the Tax Policy Center is

well below the percentage actually reported by the Government. For example, a 2007 Treasury study states that, for flow-through businesses in 2006, 7 percent to 9 percent of small business owners paid the top two marginal rates.

The second faulty assumption is that the level of small business activity, including employment, is proportionate to the filer percentage.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20 to 249 workers would fall in the top two brackets. According to the Small Business Administration, about two-thirds of the Nation's small business workers are employed by small businesses with 20 to 500 employees.

Do we really want to raise taxes on these small businesses that create jobs and employ two-thirds of all small business workers? With these small businesses already suffering from the credit crunch, do we really think it is wise to hit them with the double-whammy of a 20-percent increase in their marginal tax rates?

Newly released data from the Joint Committee on Taxation demonstrates that in 2006, the last year for which data is available, 65 percent of the flow-through business income was earned by those making over $250,000. That flow-through business income will be subject to this budget's tax increases. This is a conservative number because it doesn't include flow-through business owners making between $200,000 and $250,000 that will also be hit with the budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employee two-thirds of all small business workers is not wise, then they should either oppose these tax increases or present data that show a different result.

Madam President, today is April 1. It is known as April Fools Day. It is a day when folks play jokes on one another. But the state of our job-creating machinery, small business America, is no joke.

Sadly, Senators KERRY and SNOWE found out in a Small Business Committee hearing a short time ago that small business is getting the short end of the stick from the big banks. I suspect the treatment is even worse when the big banks getting the bailout money is considered. I put that question to the TARP oversight team the other day in a Finance Committee TARP oversight hearing.

I told one of the witnesses, Professor Warren from Harvard, that we Senators need to stand behind the oversight committee, so that we can get answers from the Treasury.

In any event, it seems to me that we need to step back from the big pieces of recent economic policy and take a look at the big picture. We need to look at what we are doing. The three pieces I am referring to are the TARP program, the stimulus bill, and this budget. All of these efforts involve trillions of taxpayer dollars.

If our goal is doing the best we can to get jobs to every American who wants a job, then we need to recalibrate our actions. We ought to focus, as President Clinton once said, like a laser beam on job creation.

President Obama and all of us agree at least 70 percent of new jobs come from small business. Let's take a look at how each of these three major pieces of legislation affects small business. On TARP, it looks like we need to make sure that the TARP recipients are providing credit to small business. On stimulus, less than one-half of 1 percent of the $787 billion went to small business tax relief. Less than one-half of 1 percent.

Now, on the budget, 82 Senators, a big bipartisan margin, agreed with Senator CORNYN that we ought to not raise taxes on small business. Senator SNOWE, likewise, will be pressing the case for small business in a separate amendment.

It may be April Fools Day, but this is no joke. We need to keep our eye on the job creation ball. Rather than hitting a foul ball with taxes on small business, we can hit a home run if we leave their taxes low. Future jobs depend on it.

Mr. CONRAD. Madam President, I ask unanimous consent that when the Senate resumes consideration of the budget resolution on Thursday, April 2, there be 90 minutes remaining for debate, equally divided between the chair and ranking member or their designees, with 40 minutes of that time for debate with respect to the McCain substitute amendment, with 20 minutes deducted from each manager, with the time for debate on the McCain amendment equally divided and controlled in the usual form; that for the remainder of today's session, no sense-of-the-Senate amendments be in order to the budget resolution; that for the remainder of this evening, members be permitted to debate amendments they expect to offer during Thursday's session; that on Thursday, with respect to a vote sequence of amendments, the sequence would be established with the chair and ranking members concurring on any order; that during any sequence of votes established, there be 2 minutes of debate prior to a vote, equally divided and controlled in the usual form; that after the first vote in any sequence, the remaining votes would be 10 minutes in duration.

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

Mr. GREGG. Madam President, for the information of my colleagues on my side of the aisle, we intend to proceed, and I will list the speakers that we have this evening who have informed us that they wish to have time. Tomorrow, when we start the voting sequence, their amendments will be in order relative to the sequence that they are speaking here tonight; so the purpose of that being they do not have to call up their amendment tonight to protect their position in the order.

We are going to begin with Senator MCCAIN for 15 minutes. It is understood that there will be alternating speakers. On our side: MCCAIN, 15 minutes; Senator VITTER, 10 minutes; Senator COBURN for 10 minutes; HUTCHISON for 10 minutes; BENNETT for 10 minutes; Senator BROWNBACK for 10 minutes; Senator SNOWE for 10 minutes; Senator BARRASSO for 10 minutes.

That is not a unanimous consent request. That is for the information of my colleagues. Actually, I ask unanimous consent that this evening, as these people arrive, these Senators be granted those times.

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

Mr. CONRAD. Madam President, in the morning, after the McCain amendment is disposed of, Senator SANDERS would be the first to be able to offer an amendment on our side.

For the information of Senators, tomorrow will be the so-called vote-arama. That means Senators need to be ready to answer votes every 10 minutes, and we will try to move expeditiously and with dispatch.

We thank all Senators for their cooperation today, and I think next up is Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 882

(Purpose: In the nature of a substitute)

Mr. MCCAIN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 882.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCAIN. Madam President, tonight I am pleased to be joined by Senators COBURN, GRAHAM, and HUTCHISON to offer an amendment that will serve as an alternative to the 5-year budget offered by the chairman of the Senate Budget Committee and the 10-year budget offered by the President. Except for defense and veterans affairs, our proposal would cap discretionary funding, reduce our Nation's deficit and debt more than the proposals offered either by the Senate Budget Committee or the President.

This 10-year budget alternative would cap discretionary funding at baseline levels, plus inflation, except for defense and veterans. Defense is increased by $190 billion above baseline over 5 years. Veterans is increased by $25 billion above baseline over 5 years,

and other discretionary spending, $62 billion less than the Senate budget proposal over 5 years, $229 billion less than the President's proposal over 5 years, and $759 billion less than the President's proposal over 10 years. Mandatory spending is $373 billion less than the Budget Committee proposal over 5 years, $922 billion less than the President's proposal over 5 years, and $3.2 trillion less than the President's proposal over 10 years.

The deficit would be at $484 billion in 2014, the Conrad budget, the Senate Budget Committee budget deficit would be $508 billion, the President's would be $749 billion. It would be $448 billion by the year 2019, compared with the President's $1.189 trillion deficit over 10 years, and the Senate Budget Committee proposal is a 5-year budget.

This results in a cumulative deficit reduction of $369 billion more than the Senate budget proposal, $977 billion more in reductions than the President's proposal, and $3.44 trillion—the deficit would be reduced—than the President's budget.

The national debt would be $767 billion less than the Budget Committee over 5 years, $2 trillion less than the President's budget over 5 years, and $3.5 trillion less than the President's over 10 years. In other words, why, why are we offering this alternative? It is simple. Our current national debt is $10.7 trillion. I know when we throw these numbers around, like $10.7 trillion, people's eyes glaze over.

But we are talking about numbers that are unprecedented in the history of this country. The projected deficit for 2009 is $1.7 trillion. The total cost of the stimulus bill enacted last month is $1.18 trillion. We gave the TARP, the Troubled Asset Relief Program, $700 billion. Everyone expects the administration will request up to an additional $75 billion more.

President Obama recently signed an Omnibus appropriations bill totaling $410 billion. The Federal Reserve recently pumped another $1.2 trillion into our markets, and the President's budget request totals $3.6 trillion.

Earlier this week the administration laid out a plan that will provide even more taxpayer dollars to the domestic automakers. The measure offered by the chairman of the Senate Budget Committee increases spending by $225 billion over current levels and raises at least $361 billion in taxes and borrows $1.1 trillion more than what we expect to borrow under current law.

The President's budget doubles the public debt in 5 years and nearly triples it in 10 years. As a consequence, beginning in 2019, the Government will spend more on interest than on the defense of our Nation: $806 billion we will be spending on interest, $720 billion on defense. That is eight times more than we will spend on education, eight times more than we will spend on transportation.

The budget proposals offered by the President and by the Senate Budget Committee put us on an unsustainable fiscal path, and we will pass on to future generations unprecedented levels of debt that they will never be able to afford.

As I said on the floor of the Senate earlier this week, the President's budget numbers are staggering. On average, his budget adds $1 trillion to the debt every year for the next 10 years and contains $1.4 trillion in tax increases. It reinstates the death tax, and it discourages investment by raising taxes on capital gains and dividends. It would create more debt than under every President from George Washington to George W. Bush combined. As others have already warned, the Nation would be bankrupt. This is not just generational theft, it is multigenerational theft.

That we are on a dangerous path is not just my opinion, in fact, it has been acknowledged by the President's Director of the Office of Management and Budget. In a recent interview, Peter Orszag was asked to respond to this statement:

> What deficit hawks are really saying is that the number is so huge that it is literally going to swarm over us and destroy us if we do not start dealing with it today.

Mr. Orszag replied:

> There is no question that we are on an unsustainable fiscal course, and we need to change course.

The Federal budget must address the most pressing issues facing our Nation, and among these priorities are keeping Americans safe and our Nation secure and all of the other issues with which we are familiar.

The budget must also ensure that taxpayers' dollars are managed in the most fiscally responsible manner by targeting resources to priorities, spending no more than needed, and holding their Government accountable to the taxpayer. This is exactly what our alternative will do. Our plan meets America's needs by spending less and reducing the debt faster than the Democrats' proposals. It caps discretionary spending, except for defense and veterans, at baseline, and increases defense spending by $190 billion. I would point out we are still in two wars.

It also increases veterans spending by $25 billion over 5 years. It reduces the deficit to $484 billion by 2014, compared to the Budget Committee's $508 billion and the President's $749 billion. It keeps taxes low, and it shaves, by 2014, $767 billion more off the national debt than Chairman CONRAD's 5-year budget and nearly $3.5 trillion more than the President's 10-year budget.

Today, the ranking member of the House Budget Committee unveiled the Republican alternative to the House budget resolution. In an op-ed about his plan in today's Wall Street Journal, Representative PAUL RYAN wrote:

> House Republicans will offer an alternative plan. This too is no ordinary budget. As the opposition party, we believe this moment must be met by offering the American people a different way forward—one based on our belief that America is an exceptional nation, and we want to keep it that way. Our budget applies our country's enduring first principles to the problems of our day. Rather than attempting to equalize the results of people's lives and micromanaging their affairs, we seek to preserve our system of protecting our natural rights and equalizing opportunity for all.

I agree with Congressman RYAN's assessment, and that is why we are here tonight. My friends on the other side of the aisle have become fond of criticizing Republicans for just saying no and offering no alternatives or specifics.

Well, we offered an alternative on the stimulus package. We offered an alternative on the omnibus bill. And we will continue, as members of the loyal opposition, to propose alternatives, complete with specifics and reflecting our philosophy as fundamentally fiscal responsible. I hope this will put an end once and for all to that argument.

Our proposal budgets for 10 years. It achieves lower deficits than the Democratic plan in every year. By 2019, it yields nearly half the deficit proposed by the President. In doing so, we control Government debt so that under our plan, debt held by the public is $3.5 trillion less during the budget period. It gives priority to national defense and veterans health care. It addresses our critical energy goals. It takes steps to ensure health and retirement security by making these problems fiscally sustainable while preserving existing Medicare benefits for those beneficiaries age 55 and older. It does not raise taxes and extends the 2001 and 2003 tax laws. The nearly identical proposals of the House and Senate Republicans share the same goals of attaining health and retirement security, controlling our Nation's debt, putting our economy on a path of growth, and preserving the American legacy of leaving the next generation better off.

We obviously are living in perilous economic times, but we will emerge from this period with strong job growth, rising incomes, restored confidence, and the ability to meet our obligation of passing on to the next generation the opportunity to make their lives safer, more prosperous, and more enriching than our own. We are dealing with a financial crisis, a housing crisis, and a consumer-led recession. Why then does the President's budget envision borrowing trillions of dollars for new initiatives without spending discipline or offsets? Addressing our most important and immediate problems should be our urgent priority. For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. Are we going to reverse that order and force our children to work hard to pay off our debts because we didn't have the courage to make tough economic choices now? That is what this alternative is about—tough but realistic decisions designed to secure the future prosperity of our country. We were

promised change, and that is what our proposal offers.

In the op-ed I mentioned earlier, Congressman RYAN also wrote that ''America is not the greatest nation on earth by chance. We earned this greatness by rewarding individual achievement, by advancing and protecting natural rights, and by embracing freedom. We (Republicans) intend to continue this uniquely American tradition.'' The Congressman is exactly right. We have an opportunity to put our Nation back on sound fiscal footing. Let us seize that opportunity. Let us propose, reason, debate and exhaust every means to invest in the future of this country according to our faith in free people and free markets, a faith that has produced more good for more people than ever imagined by our Forefathers. Let us not exploit this crisis for political gain. Let us do what every preceding generation has managed to do—bequeath subsequent American generations a land of unlimited opportunities.

We can, and must do better, I urge my colleagues to support this alternative proposal.

I ask unanimous consent to have printed in the RECORD other provisions in this proposal.

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

Our proposal also includes:

RESERVE FUNDS FOR:

BRAC-like Social Security and Medicare & Medicaid Commissions that would provide recommendations to reduce mandatory spending by at least 4 percent over the next 5 years, and 7 percent over the next decade.) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than income-relating to the prescription drug benefit).

Sense of the Senate to Protect Seniors. This budget should preserve existing Medicare benefits for those beneficiaries age 55 or older (other than means testing for high-income beneficiaries under the Medicare prescription drug benefit. To make the program sustainable and dependable, those 54 and younger should be able to enroll in a new Medicare Program with health coverage similar to what is now available to Members of Congress and Federal employees. Starting in 2021, seniors should receive support payments based on income, so that low income seniors receive extra support, and high income seniors receive support relative to their incomes.

Comprehensive health reform legislation that reduces the costs, increases access to health insurance, and improves quality of care for Americans.

Enhanced eligibility for disabled military retirees and their survivors to receive retired pay, veterans' disability compensation, and survivor benefit plan annuities.

Energy security activities, including funding for waste storage alternatives, clean energy deployment, refurbishing the transmission grid and increasing the use of nuclear power.

Tax code modernization, including income (includes AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance, and aids U.S. international competitiveness.

Defense acquisition and contracting reform.

Bipartisan and comprehensive investigation into the underlying causes of the current economic crisis and to recommend ways to avoid another crisis.

ENFORCEMENT MECHANISMS:

Point of Order against mandatory spending legislation that increases the deficit until the President submits and legislation is enacted to restore solvency to the Social Security system.

Point of Order against a budget resolution containing a debt held by the public-to-GDP ratio that exceeds 65%.

Point of Order against a budget resolution containing deficit levels exceeding 8% of GDP.

Additional provisions include discretionary spending limits, program integrity initiatives, and points of order against advance appropriations and legislation increasing short-term deficit.

Mr. MCCAIN. We, as the loyal opposition, are required to offer an alternative to the President's budget and that passed by the Senate Budget Committee on a party-line vote. These are tough decisions that have to be made. We must continue to fund defense and take care of our veterans. But we are also going to have to reform entitlement programs, and we all know that. There is no expert or ordinary citizen in America who doesn't agree that we have to reform Medicare, Social Security, and other mandatory spending programs which are consuming a larger part of our budget. We need a bipartisan commission that has the BRAC imperatives, that they meet and we come up with a solution to the burgeoning fiscal problems posed by entitlement programs and other mandatory spending programs.

I was in the other body in 1983, when Ronald Reagan and Tip O'Neill sat down together across the table and negotiated and saved Social Security for decades. That is what we need to do again. After this budget debate is over, why don't we sit down, the President, Republicans, and Democrats, together, and try and solve our Nation's problems. Americans voted for change. Americans want change. That change is to address these compelling and terrible issues that affect this Nation and our future in a bipartisan fashion. It is pretty clear what is going to pass tomorrow night sometime, but wouldn't it be time for us to sit down together and chart a path for the Nation's future in an environment committed to fiscal responsibility on both sides of the aisle and ensuring our children's future?

We will be discussing this more for a short period of time before the vote tomorrow.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 759

Mr. BENNETT. Madam President, I have listened with interest to the comments of the Senator from Arizona. I would like to point out one fact to fellow Senators and to the country: In this proposed budget, there is roughly $2.2 trillion worth of revenue. There is also roughly $2.2 trillion worth of mandatory spending. The mandatory spending eats up all the revenue. That means everything else we spend in a discretionary way—and that includes defense—is going to come out of borrowed money. That is the first time we have ever had that situation outside of wartime. It is a cautionary note. I salute the Senator from Arizona for his remarks.

I rise to comment upon an amendment I have submitted, No. 759. I ask unanimous consent that Senator HATCH be added as a cosponsor of the amendment.

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

Mr. BENNETT. This amendment deals with the tax treatment of charitable contributions. In the trillions of dollars we have been talking about today, it may seem a relatively small amount. But to the people who are involved in it, it becomes a very major issue. It is worth focusing on. As I have said before, I have been called upon by arts organizations in the State of Utah that are very concerned that the contributions that keep them alive have dropped off as a result of the slowing down of the economy. They are hoping they might recover some of that drop-off from Federal dollars. Interestingly enough, the President's proposal calls for a reduction in the tax incentive for people to give money to charitable contributions. So the President is proposing something that will hurt the charities, will cause their income to go down in the name of fiscal responsibility and saying we need more Federal money, so let's change the tax treatment so we get more Federal money from those who would otherwise contribute to charitable contributions, and then turns around and watches the charities come in and say: We have to make that up or we will have to start laying off people. The President talks about saving jobs. The nonprofits provide over 10 million jobs. If they cannot get the money from their contributors and they cannot get the money from the Federal Government, they will lose jobs. It is foolish for us to say: All right, in the name of fiscal responsibility, let's take the money away from the contributors and bring it into the Federal coffers and then, to save the jobs, let's take the money out of the Federal coffers and give it to the charities so the Federal Government becomes the decisionmaker as to which charities get the money rather than the people themselves.

Charitable giving is an almost unique American experience. As we look at other countries around the world, they do not have the level of charitable contributions we have. We contribute an enormous amount to nonprofit organizations, and we do it on the basis of what we want to support. We, unlike European nations, do not have governmental support in the form of expenditures made to churches. You go to churches in other countries, and it is the government that supports them.

Their pews are empty by comparison to the religious services held in the United States because people don't take it seriously. Here the Government stays out of funding churches and says: If you want to have a viable church, a viable religious experience, you have to provide sufficient incentive to the people who align themselves with your church that they will support it out of their own pockets.

That is what has made religion so viable and vigorous in America, because people do support it out of their own pockets, and it does not have a direct Government expenditure, but it does have Government approval of those kind of expenditures in the tax treatment of charitable contributions, tax treatment which the President now says he wants to change. That is a foolish thing to do, and that is why I have offered the amendment, along with my cosponsors. I hope the amendment will be voted on in appropriate fashion tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 799

Mr. BENNET. Madam President, I rise to discuss amendment No. 799 that prioritizes small towns and rural communities in Colorado and all over this Nation at a time when so many there do not have sufficient access to quality, affordable health care. My amendment establishes a reserve fund that addresses inequalities in Medicare and Medicaid reimbursement that fall most harshly on rural areas.

I thank Senator ROBERTS of Kansas for his strong support on this issue. Rural health disparities are truly a bipartisan issue, and I am honored that the distinguished Senator has cosponsored this amendment. I also thank Senator LINCOLN of Arkansas for her cosponsorship. I ask unanimous consent to print letters of support for my amendment in the CONGRESSIONAL RECORD following my remarks.

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

(See exhibit 1.)

Mr. BENNET. The current system disadvantages rural areas in primary care and outpatient services, hospitals, and the supply of providers in the workforce. The problem is truly widespread. In Colorado, almost 75 percent of the counties are considered rural. Health care providers in our rural communities are under enormous pressure to provide broad access to quality health care. They need our help. My amendment can open doors to reducing these disparities. It is important to know that this amendment is written to ensure deficit-neutrality as well. Thus, it is fiscally responsible.

Colorado, like many other States, has a strong backbone of rural communities that work with the limited resources they have. For years, there have been payment disparities between rural and urban areas in Medicare and Medicaid. This imbalance only discourages providers from staying in rural communities and underfunds hospitals that serve as a safety-net for a majority of my population.

Over 90 percent of Colorado counties are considered health professional shortage areas. These areas are severely underserved. They lack an adequate workforce. For example, six counties in Colorado do not have a full-time primary care physician. Fourteen counties do not even have a hospital. We will work hard to ensure that every family has insurance coverage, but this alone will not lead to access to health care services. Small communities need doctors and nurses, along with many other providers. Yet it must be worth their while to take new Medicare and Medicaid patients. Understanding this reality is critical if we are to improve our health care system.

My amendment would highlight that future health care legislation should address rural disparities in a deficit-neutral way. I thank the chairman for all his good work on this budget resolution. I urge support from all my colleagues on this issue and the chairman's thoughtful, important underlying legislation.

I yield the floor.

EXHIBIT 1

COLORADO RURAL HEALTH CENTER,
Aurora, CO, March 31, 2009.

TO WHOM IT MAY CONCERN: The Colorado Rural Health Center (CRHC) is writing this letter of support for Senator Bennet's proposed amendment, which emphasizes the importance of Medicaid and Medicare reimbursement in accessing healthcare services in rural areas of the United States. Serving as the State Office of Rural Health, representing 29 Critical Access Hospitals and 44 Rural Health Clinics throughout Colorado, CRHC would like to encourage Congress to consider rural clinics and hospitals, when deciding future budgetary actions. CRHC understands these are tough economic times, but it is essential that these rural safety net clinics, hospitals, and other providers are able to survive since they are often the sole source of healthcare services serving a community or county.

There are a number of primary care clinics across rural Colorado that are not designated as Federally Qualified Health Centers (FQHCs) also known as Community Health Centers. These rural clinics that are not FQHCs are valuable safety net clinics, yet they have not received the same sort of boost in funding from the federal stimulus package nor do they receive the same amount of assistance from the federal government, leaving them to rely more on reimbursement rates from Medicare and Medicaid to remain viable.

In addition to the Rural Health Clinics and Critical Access Hospitals with whom CRHC directly works, there are numerous other non-FQHC clinics that deliver care to rural Coloradans. As stated above, for some of these clinics, it is the Medicaid and/or Medicare reimbursement rates that help keep their doors open. Any substantial cut in Medicaid and/or Medicare provider rates greatly impacts and potentially threatens the viability of healthcare in rural and underserved areas of our state. At current reimbursement rates, it is becoming more and more difficult for providers to continue to accept Medicare and Medicaid patients due to the abysmal reimbursement. Colorado is set to cut provider rates yet again this year, due to the $1 billion dollar shortfall in our state general funds. Unfortunately, this means the federal government is being looked to in order to help strengthen these vital rural healthcare services.

CRHC understands difficult decisions need to be made in regards to the federal budget. We urge you to please consider and improve rural healthcare services by improving the sustainability of Medicare and Medicaid reimbursement rates. Thank you for your consideration.

LOU ANN WILROY,
Executive Director.

NATIONAL RURAL
HEALTH ASSOCIATION,
Kansas City, MO, April 1, 2009.

Hon. MICHAEL BENNET,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNET: The National Rural Health Association (NRHA) strongly supports your amendment to S. Con. Res. 13, the Budget Resolution, to improve the health of 62 million rural Americans. Your amendment, which creates a deficit-neutral reserve fund to target the grave inequities in rural areas, will not only protect the fragile rural health care safety net, it will make health care more accessible and affordable for all rural Americans.

Health care reform which will expand health care coverage is necessary and laudable—in fact, rural Americans lack insurance at a higher rate than their urban counterparts—but there is a greater crisis in rural America: access to health care. Coverage does not equate to access. Over 50 million Americans live in areas where there are too few providers to meet their basic primary care needs. Yet these rural patients face the most daunting of health care challenges. Per capita, rural populations are older, poorer and sicker than their urban counterparts, and illnesses associated with poverty, including infant mortality, are much more pronounced in rural populations.

Rural providers struggle, due to grave inequities in Medicare and Medicaid payments, to keep their doors open. Several Medicare payment provisions, vital to the sustainability of rural providers, are once again set to expire, thereby critically jeopardizing the rural health care safety net providers and seniors' access to care.

Senator, for any health reform to be a success, the health care crisis in rural America must first be resolved—for it does not matter if you have health insurance coverage if you do not have access to a doctor or other health provider. For health reform to be a success, the rural health care safety net must be prevented from crumbling. Three reforms are crucial:

1. Equity in reimbursement must occur;
2. The workforce shortage crisis must be abated;
3. Decaying rural health care infrastructure must be repaired and non-existent infrastructure must be created.

Senator Bennet, the NRHA applauds your efforts and could not support your amendment more. Creating a reserve fund to address the systemic inequities in rural health care and prioritizing eliminating those inequities as a part of health care reform will finally create equity for the 62 million people who call rural America home.

Sincerely,

BETH LANDON,
President.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NOS. 751 AND 787

Mr. VITTER. Madam President, I rise to present two amendments to the

budget resolution. They will be made in order and voted on tomorrow. The first is amendment No. 751. The idea behind that is very simple but important. It is to protect against what many of us fear, which is significant energy tax increases that will hit consumers, manufacturers, farmers, many others in our economy and hurt them as we are trying to recover from this crippling recession.

Specifically, my amendment would add language to what is currently in the budget resolution in the area of the deficit-neutral reserve fund to invest in clean energy and preserve the environment. In that section of the budget resolution, my amendment would simply insert language that it would ''not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas, would not increase the cost of energy for American families, would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industry, and would not enhance foreign competitiveness against U.S. businesses.''

No one in this body—in fact, no one across America I know of—has a problem with efforts to invest in clean energy and to preserve the environment.

There is no debate there. What we have a problem with is when we come up to Washington and get in this stale either/or debate—either it is that or it is traditional oil and gas, as if the two have to be at constant loggerheads and as if we do not have to produce under both of those headings very aggressively to get out of the energy deficit we are in. I believe in new alternative renewable energy. I believe in new technology. But I also believe in traditional energy sources as an absolutely necessary bridge to get us to that future.

That gives rise to my amendment. I think it is crucial that we reject those aspects of the Obama budget which would tax traditional energy such as oil and gas, put an enormous burden on those providers in Louisiana and many other places around the country—folks who provide good, reliable energy domestically for our Nation right now—and I believe it would be a similar mistake to adopt whole hog in its present form the President's climate change proposals which would also place heavy taxes and heavy cost increases on energy consumers.

Now, where am I pulling this from? I am pulling it from the President's own budget proposals, his concrete, specific proposals on climate change and taxing domestic energy, and I am pulling it specifically from what he has laid out in terms of movement in that direction.

Perhaps the single clearest expression we have in that regard is a statement the President made about his cap-and-trade proposals in January of 2008 as he was in the midst of his Presidential campaign. He was speaking about cap and trade. He was very straightforward, very clear, and said:

> Under my plan of a cap and trade system, electricity rates would necessarily skyrocket regardless of what I say . . . that will cost money. They will pass that money on to consumers.

Electricity costs, energy costs, not just increasing at the margin but skyrocketing. Unfortunately, the President has followed through on that promise with regard to his specific climate change and energy proposals. When you look at his budget, they, in fact, ensure this sort of skyrocketing, both in terms of climate change proposals, which this quote directly refers to, but also in terms of producing traditional energy here in this country in areas of oil and gas.

The President of the United States has laid out significant tax increases on domestic energy. This would cost real jobs here and now. It would be a significant antistimulus, and it would hamper domestic production exactly when we need it the most.

Let me repeat—let me back up and repeat—I support investment in new technology. I support development of new alternative and particularly renewable forms of energy, and I have cast many votes in support, in furtherance of that goal. But it is not either/or. It has to be all of the above because we need to build that new energy future based on new renewable sources and new technology, but we also need to get there, and we also need the bridge to get there, which includes traditional energy, produced in this country, particularly natural gas, also oil, so we can cross that bridge, get to the future, without bankrupting ourselves in the process.

It is interesting, just as we are still apparently caught up in this stale either/or debate and we are attacking and taxing and burdening domestic oil and gas production, it is interesting that our neighbor to the north, Canada, is doing exactly the opposite. They are doing exactly the positive thing I am talking about by encouraging both—by encouraging new renewable forms of energy and at the same time encouraging domestic production of oil and gas.

Specifically, in early March of this year, March 3, the government of Alberta announced a new three-point incentive program specifically designed to help keep Albertans working in the province's energy sector during the current global economic slowdown. The highlights of the three-point plan include a drilling royalty credit for new conventional oil and natural gas wells; a new well incentive program, which offers a maximum 5-percent royalty rate for the first year of production from new oil or gas wells; and to encourage the cleanup of inactive oil and gas wells, the province will invest $30 million in a fund committed to abandoning and reclaiming old well sites. Those are exactly the sort of incentives in present law that the President would get rid of. Those are exactly the sort of areas where President Obama proposes moving in the opposite direction with tax increases which are disincentives for much needed domestic production.

To quote the Canadian Energy Minister, Mel Knight, on this announcement of their policy:

> While we cannot make up for the impact that global financial markets are having on Alberta, we are doing what we can. This short-term incentive program introduces innovative ways to help spur activity in our energy drilling and service sector during this economic downturn.

That is exactly the sort of approach we should be taking here in this country. Yes, let's invest in new technology. Yes, let's develop new sources of energy, new and renewable. But at the same time, let's maintain and expand the domestic production of oil and gas as that bridge to the future, as that bridge to that new energy future that will take some time to build.

Unfortunately, our President is moving in the opposite direction. He is proposing to levy significant tax increases on domestic oil and gas production. That is bad for our energy security, and it is a major antistimulus which will keep us in recession even longer.

So, again, my amendment No. 751 is very simple. It would simply add to the relevant part of the budget resolution the following language, that it:

> would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses. . . .

I commend that amendment to all of my colleagues, Democratic and Republican.

Secondly, Madam President, I will also formally present and have a vote on a second amendment tomorrow, amendment No. 787. Amendment No. 787 has to do with the TARP program, the so-called Troubled Asset Relief Program. Again, it is very simple. It would simply say, except for the TARP money which is already out the door and except for the $100 billion that is committed to the Treasury's newest plan to buy up toxic assets—which was the original point all along—with those two exceptions, the remainder of the TARP money will be returned to the taxpayer and bring down the debt, will reduce the debt. That is a significant amount of money. The entire TARP program, of course, is $750 billion. So far, approximately $371 billion is out the door. It would also create an exception under my amendment for $100 billion for this newly announced program of troubled assets. The remainder would go to buy down debt, not increase as much this horrendous debt we are on the road to doubling and tripling under this budget. That would save literally hundreds of billions of

dollars. I daresay, of all of the myriad dozens and dozens of budget amendments we will be asked to consider and vote on, this probably saves the most money, reduces debt the most. If it is not No. 1, it is very close to that.

CBO says they would expect us to never recoup all of that TARP money we are sending out the door. They are guesstimating we will only recoup half of that. So building that into the formula, this amendment will save hundreds of billions of dollars.

But there is another even more important reason to adopt this amendment; that is, to get back to the original intent of the TARP program and not allow it to continue to be used for a slush fund—first by the Bush administration, now by the Obama administration—for every random idea they develop every other week.

As we know, that is exactly the history of this fund and this program. It was proposed specifically to allow the Treasury to buy up troubled assets, to get those off the books of the troubled banks, and that is how it was sold to the Congress, 100 percent lock, stock, and barrel. In fact, Secretary Paulson, at the time, specifically said he did not want to, did not think it was a good idea to invest directly in troubled institutions and get preferred stock. Congress, without my vote, passed the program.

Then, within a few weeks, literally within a few weeks of that passage, everything changed. The original troubled asset program model was thrown out the window and the Treasury started doing exactly what Secretary Paulson said it should not do, exactly what he had previously rejected by directly infusing capital into banks and taking preferred stock.

Since then, there have been at least five other uses of the TARP program which have been imagined and instituted by, really, executive fiat because the underlying legislation has not changed at all.

Then we finally came around full circle this past month under the new Obama administration. Secretary Geithner said: Gee, why don't we use TARP, the Troubled Asset Relief Program, to actually buy up troubled assets? What a novel idea. It was the original idea. I guess if you go round and round often enough, you will eventually come back to where you started. And that is the new program that the Secretary said would take $100 billion.

My amendment, again, is simple. It says the money that is out the door is out the door. We cannot do anything about that, unfortunately. And we will reserve the $100 billion for that newly announced program, which was the original intent, sole intent of TARP. But everything else—everything else that was imagined and that TARP was used and abused to authorize since it was first passed—everything else has to stop. If the new administration thinks some of these things are necessary ideas, great; they should come back to Congress and get real and proper and appropriate authority for that activity, which TARP never was.

In doing so, in adopting this sort of amendment, we will save the taxpayer and reduce the debt several hundred billion dollars, well over $150 billion by any estimate. If we want to get serious about the debt, if we want to heed the call of the American people to control that runaway deficit and debt, this is the single biggest thing we can do in sight to do that to begin to turn the corner. I urge my colleagues to support this amendment. In contrast, voting against this amendment will essentially be a vote for everything Treasury has done and continues to do outside the original stated intent of the TARP program. I believe that is a very bad vote, both on the substance and in terms of where the American people rightly are.

I commend both of these amendments to all my colleagues. I look forward to further debate and voting on them as we proceed on the budget resolution tomorrow. I thank the Chair.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I wish to speak this evening about an amendment I have filed. Do I understand it is not actually in order to offer amendments at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

MICHIGAN STATE IN THE FINAL FOUR

Ms. STABENOW. Madam President, before talking about a very important and serious amendment I will be offering, I wish to take a point of personal privilege to speak about my alma mater, Michigan State University, that is in the final four. I have to say for the record, I knew they would get there. The final four is in Detroit. We are thrilled at Ford Field, a state-of-the-art facility. They play on Saturday night, and I am saying ''go State'' right now. For all those listening who are Michigan State fans, let's root them on because it is a point of terrific pride for Michigan State University, after a hard-fought year with, I think, the best coach in the league, Tom Izzo, who is now going to represent us in the final four. I appreciate that.

AMENDMENT NO. 879

Madam President, I have an amendment I will be offering that has been filed, amendment No. 879. I will be offering it tomorrow. I wish to read it briefly because I think it is important to read what this is. This is about climate change and it is about being for something and not just against something, and we have had a lot of amendments doing that.

The amendment says we will decrease greenhouse gas emissions with a policy that will invest in energy technologies, reduce greenhouse gases, create new jobs, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply, protect consumers and regions, and include opportunities for agriculture and forestry.

This is the text of the amendment. As I indicated before, my amendment is about what we should be for. We have seen a number of amendments on the floor saying what we shouldn't do and what we can't do. This is about what we can do and what we should do.

This budget is about investing in America's future. Our policy on climate change must do the same thing. As will the budget, if it is done right—and I believe we can do this right—climate change legislation will create new jobs in the great State of Michigan, in the great State of New Hampshire, and all across this country and revolutionize and revitalize our economy if this is done right.

Coming from a Midwestern State where economic troubles are not new—in fact, we now have 12 percent unemployment. I could spend a lot of time, as I have in the past on this floor, talking about what is happening to our families. I understand the risks associated with poorly designed climate policy, but I also understand that our economy—Michigan's economy, the U.S. economy—cannot go forward with the same old policies, dependent on foreign oil and pollution, that harms both our health and our economic interests. Climate change legislation, if designed right, will be a significant opportunity for new jobs and an economic transformation for our country.

Climate change can and must look out for working families and businesses, whether it be a farmer, a manufacturer or a cleantech engineer. That is why I propose this amendment, so the budget instructs the future of climate policy to be well balanced, so it creates new jobs, strengthens manufacturing, and breaks America of our dangerous addiction to foreign oil.

We can no longer rely on the same old technologies and the same old fuels. With new energy solutions come new jobs and new industries. America has always led the world in innovation and invention, and we can do it again with green energy. With or without a climate policy, energy companies, industries, and entrepreneurs must make investments for the future. This amendment will ensure that a cap-and-trade policy will provide direction for future investments. This amendment will direct us toward a smart climate policy that will protect and strengthen manufacturing.

First, we can ensure a level playing field in the world economy by bringing other countries into an international agreement and ensuring that jobs remain in the United States by preventing rising energy costs from being a factor. Second, new manufacturing opportunities will arise. For example, to meet the needs of new clean energy production, new technologies must be produced. The massive scale of this need will create new markets for American manufacturers.

Recent history has shown what happens when we rely primarily on foreign sources of energy. We subject ourselves to less than friendly international governments that can leverage unstable supplies and higher prices against the people we represent. This amendment will take us steps further to reducing our dangerous addiction to foreign oil.

Furthermore, our domestic energy needs will increase over time, and all sources of clean energy should be added to our portfolio. Good investing, wise investing always requires diversification, so we must bring new clean sources of energy into the mix.

This is a national and international problem, and we have to solve this together. Our President now has been spending time with global leaders talking about issues we know we need to be working together on. As he is reaching out to them, we must do that as well. But we know that through this amendment, we will ensure that all regions contribute equitably and help each other as America transitions to a clean energy future.

A successful climate policy also has to include all stakeholders. Agriculture and forestry can make significant contributions to greenhouse gas reductions—as much as 20 percent—with the right incentives. This amendment will provide clear and certain opportunities for landowners as to how they can achieve emission reductions and benefit from doing so.

Overall, this amendment is the road map, I believe, to a reasonable, balanced climate policy. With policies that meet these objectives, we can ensure the American public that greater economic opportunity lies ahead. We can do this while meeting the ambitious emission reduction targets set by President Obama.

Instead of arguing about what we can't do, I urge the Senate to embrace what we can do and what we must do to create jobs for the future, to get us off our dependence on foreign oil, and to improve our environment. This is about the future of the country. I ask my colleagues to support this amendment that gives us a road map on how to get there.

Thank you very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

Mr. COBURN. Madam President, I wish to spend some time tonight talking about the budget that is before us as well as some good Government things we can do.

If you are a typical American family, husband and wife working and you are bringing home $3,500 a month, and all of a sudden one of you gets a cut in pay, where now you are bringing $3,000 a month home, what is the first thing you do? The first thing you do, knowing the kind of economic times we are in, is you start saying: What is necessary and what is not? Where can we make up this difference? What can we not spend money on so that, in fact, we are not using our credit cards to finance a living standard that is less than what we have today? Almost every family in America would do that. They would go through and they would say: Well, utilities are important, food is important, clothing for the kids is important, automobile repair, gasoline is important, but building a new addition onto our house isn't important right now. It needs to wait. Going to the movies may not be important. Going out to eat may not be important, in terms of a list of priorities. Every family would look at what their expenditures are and say: Where do we cut spending?

This budget does exactly the opposite of that. We have markedly declining revenues, and we are going to increase spending $1.3 trillion. The net effect of that is not so much that we might want to do good things for people, but it is that we are going to be doing those good things by taking the money—not from us and not even from our kids—but from our grandkids. So within this budget—the real budget, the Obama budget—are the plans for us to grow Government spending over the next 10 years to a level we have never seen before and at a rate of growth we have never seen before.

Why would we do that? We wouldn't do it with our own home and our own family; we certainly wouldn't do that with our own business. Why is it Congress thinks, and this budget purports, that we can borrow our way and spend our way out of financial difficulty? The fact is, we can't. We cannot do that. It is impossible for us to do that.

The dread secondary effect of that is to cripple potential growth in the future. Let me explain how that works. As we go from $11 trillion in debt to $30 trillion in debt, what is going to happen to us? How much inflation ultimately will come about because we do that kind of borrowing? Well, what will happen is everything you have and everything you try to buy will cost more and everything you own will be worth less. So what we are doing is we are generationally thieving, stealing money for us today so we don't have as much problem recognizing the pain.

What is called for in our country today is not growing the Government, it is shrinking the Government. Here is what we do know, according to GAO and IG reports that are published and that any American can find: that out of the money we do spend every year, at least $380 billion of it is lost to fraud, duplication or waste. Nowhere in this budget is there any attention to any of that; not one place is there attention to it. My friend, President Obama, campaigned on the fact that the first thing he was going to do was a line-by-line analysis of every department of every program and get rid of the things that don't work and the things that work marginally, make them better. Well, that comes up to $380 billion. That is what it comes up to.

Tonight I am going to introduce a series of amendments—I know they can't be called up by the unanimous consent agreement we are operating under, but they will be voted on during our votes tomorrow—that are plain common sense and that we would all do with our own business or with our own family; that we would actually put into place. The first thing we would do is we wouldn't give somebody a bonus who is repairing our house who didn't repair our house. Yet every year in this country, this Government pays out about $7 billion to bonuses to people who didn't perform.

We create a reserve fund so we don't do that anymore. Let me give some examples. We have paid $8 billion to contractors for nonperformance bonuses—they didn't perform but got paid bonuses anyhow—in the Defense Department. Why would we continue to do that? I will put into the RECORD throughout the evening the line-by-line areas associated with that.

The first amendment says we are going to quit paying for performance that we didn't get, so we will save $8 billion a year, or $80 billion over the next 10 years. It will get voted on, and everybody will vote for it, but then in conference it will get stripped out. That is the game we are playing in the Senate this week. Anything that passes, and we put it in, we will take it out in conference. Why would we continue to pay extra money for something that didn't perform the way it was supposed to? I am not talking about not paying the bills—that is a totally different question—and about absolutely not meeting the contract.

I will give you an example. The Census Department had a contract—a no-bid contract with Harris Corporation—for hand-held recorder devices for the census. Oversight hearings were done in the Senate, and we said: What is your plan B if it doesn't work? They said it is going to work, no problem. Now we have spent $700 billion and paid $26 million in bonuses for something that doesn't work and will not be used by the census.

Why would we do that and allow that to continue to happen? The Government is rife with that. So why would we not put a prohibition into the budget that has teeth, which says we are not going to pay bonuses for work that didn't meet performance standards? Yet we will vote on it, and it will get jerked right out when it goes to conference because of the connectedness of the elite in this country.

The second thing I have an amendment for creates a reserve fund so we will do exactly what President Obama

said we would do and that is a line-by-line analysis of every Government program: Does it work? Is it accomplishing what it is supposed to? If it is not, we should be eliminating it or fixing it. That may or may not pass. But it will get pulled out, even though that was a campaign promise—not only in the campaign, but in his inaugural statement, as well as in his statement to the Nation. He has embraced the very idea that we need to do that. Everybody knows we need to do that. If you are running a business and have hard times, you go through what is not working and get rid of it. But we don't do that in the Federal Government.

One of the other amendments we will have says we will apply metrics to every program we have. In other words, we will say here is the goal, and we will put in measurements as to whether we are achieving the goal. Then we can, for sure, tell what we are doing. The fact is that 50 percent of the programs aren't living up; 12 programs, specifically, have been on the warning list by the GAO for 10 years, and Congress has done nothing about that. The reason is because they don't want to put a metric system in because they don't know what it is. It might cause them to lose a vote with somebody if, in fact, it is not an effective program.

The third amendment is to offer a reserve fund to set up metrics, so that when we do that and see that things aren't working, we can get rid of them.

The fourth amendment we will offer is another one President Obama advocated. He said this time after time and he believes it and I believe it. The question is whether we will do it. There ought not to be any no-bid contracts for anything above $25 million. We mandate that there has to be competitive bidding.

It is interesting that when we passed the stimulus, we all voted for it, but when it came out of conference, there was no competitive bidding requirement in the over $870 billion worth of spending. What does that mean to the average taxpayer? That means you are not going to get good value for the money we are spending. So there is no mandate, even though that is a commitment that was made, and we should live up to it.

So we will have an amendment that says no bonuses if you don't earn it; No. 2, line-by-line going through the budget; No. 3, metrics performance measurements; No. 4, competitive bidding.

Then, finally, an amendment I will offer is something that will make a real difference in people's lives today. The Senator from Texas and I worked on that during the stimulus. What it says is that if you have an IRA or 401(k) and you are underwater on your mortgage and you have money in that 401(k) or IRA and you want to take that money and apply it to your primary residence mortgage, where you are underwater, you can do that without a 10-percent penalty. In other words, we are not going to penalize you for taking out money you have saved to get yourself out of trouble today.

That will be a controversial amendment, I am sure. The fact is, that is something that would make a big difference for families because they have money locked up, but we have such a harsh penalty for them to take it out; they have to give the Government 10 percent so they can use it to get themselves out of trouble on their mortgage.

There will be two other amendments I will offer. One will be with Senator MCCAIN on an alternative budget, which describes what we should do, and it will save over $3.5 trillion, compared to this budget, which shrinks the size of the Federal Government and doesn't allow it to grow in terms of nondiscretionary spending, except for defense and veterans. It puts a cap on how fast it can grow. It doesn't raise taxes like this budget does.

The last thing we should be doing—we know the history of what we did wrong in the 1930s and at other times—is raising taxes on individuals and corporations at a time when we are in a deep recession. That is exactly the wrong tax policy to create jobs. So we will be offering all those amendments come tomorrow.

The draft budget increases the veterans spending by $25 billion over 5 years to take care of the commitments we have made to our veterans. It increases the defense spending, which we need to do rather than decrease it, in terms of real dollars, $190 billion. It decreases some of our real problems, which is our mandatory spending in Medicaid, Medicare, and Social Security, by $3.2 trillion less than what the President's budget and this budget will portend. It doesn't play any games with AMT, as far as paying for it. It doesn't raise taxes. It will reduce the cumulative deficit, over the next 10 years, by $3.5 trillion. It also will give us $3.5 trillion less debt. It is a budget that reflects a family's budget, that reflects the real times we are in, and it is a budget that says we recognize that if we are going to do something for our kids and grandkids, some sacrifice has to come now. Will people peel at it and shoot at it? You bet.

The fact is, we have a way too big Federal Government. It is highly inefficient. It wastes at least 10 percent of everything it does every year—at least. That is a very conservative estimate. What we are going to put forward is a budget that doesn't do any of those things. When we waste $80 billion a year through fraud in Medicare, think what that means. That means 20 percent of the money spent in Medicare is defrauded. Our biggest problem is we are not going to be able to keep up with Medicare. Yet we have 20 percent of it that we are not doing a thing about in getting rid of fraud and improper payments. We have at least $40 billion in terms of Medicaid. We have a Medicaid Program here and a health care program that will save the States $880 billion over the next 10 years, and the Federal Government $400 billion over the next 10 years. That is $1.3 trillion. It will cover everybody at a level, where every doctor—no matter who they are—will take their insurance and will take the stamp of being a Medicaid patient right off their forehead, and nobody will ever know they are a Medicaid patient because they will have an insurance card just like everybody else. We can buy for them something better than they have and also save $1.3 trillion.

Why wouldn't we want to do that? That is in our budget. Why wouldn't we want to do that? Why wouldn't we want to create the opportunity so people will have an option? Instead of going to a nursing home, they can have a program that gives them in-home care, and we can still save money.

Going back to what we were talking about on bonuses, do you realize that CMS paid out $322 million last year to nursing homes that were also on their list as substandard nursing homes? Think about that. We paid out in excess of $300 million in bonuses to nursing homes that had significant problems in terms of giving the care and meeting Medicare standards in the first place, but we still paid it. Why? Why wouldn't we fix that? We don't want to. It is hard to fix—except our budget would fix that. This budget will cause us to not waste as much money.

This budget recognizes that we have real problems in our country, and the way to get out of it is not to borrow more money and spend more money. It is to be frugal and learn what we were taught by our grandmothers: If you have a penny, spend it wisely. If you have a dollar, don't spend it all. If you get fortunate enough to get more than a dollar, make sure you are saving something for the future.

We all know that is right, but we don't apply it to the Federal Government. Consequently, what will happen is the standard of living of our grandchildren will erode. We are in a seminal moment in this country, where we are going to become on an equal basis with Europe. What does that mean? That means the standard of living in this country is getting ready to drop 30 percent, both by what we spend and the printed money that will come after that in terms of the inflation that will devalue everybody else's assets in this country.

There are a lot of ways to run this Government, but the way we are running it now wouldn't pass muster anywhere in anybody's household. Nobody would throw 10 percent of their money away every year. Nobody would give bonuses to people who didn't deserve it. Nobody would not make measurements about what they are doing to see if it was working. We need a change. The seminal moment is coming. We may not win the budget battle but, in fact, if we don't win the budget battle, the problems are just going to be that much more severe.

The debt load we will carry with this President's budget will shackle the next two generations in this country for their entire lifetime.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. I would like to discuss amendments I intend to offer tomorrow. I thank the Senator from Texas for allowing me to speak briefly. The first amendment is No. 898, which is a point of order against new mandatory spending if the Social Security trust fund dips below $5 billion.

There is talk about this economy and the effects of a recession, and they are real. But one of the things we found out a couple of days ago is the Social Security trust fund spent more than it took in, in February. The projections for next year are to have a $3 billion surplus, so the day of reckoning that Senator COBURN was talking about, when it comes to Social Security, is upon us even quicker than we thought. Everybody thought it would be 2018 when we would pay out more benefits than we collect in taxes.

If this trend continues, that will be accelerated by several years. That means the longer we delay in finding a fix for Social Security, the harder the mountain will be to climb. If we put this off one Congress after the next, the solutions that will get us to solvency are going to be too draconian and will hurt people. We need to act now because this problem is getting bigger faster than anybody anticipated.

If we do responsible things about readjusting the benefits for upper income Americans and for Senators, where if we took $10 less a month when we retire, it would bring about 70 percent of the solvency needed to get Social Security back in balance. Do something on the age that is prospective, that realizes we all live longer. Do something on modernizing the program, so you could have savings on top of the Social Security. There are ways to get there. Increase revenues by raising the cap to have a transition. Let's make sure that people who live past 80—the fastest growing demographic in America—do not outlive their 401(k) plans.

So we have a challenge and an opportunity, and this amendment says that there will be a budget point of order against any budget when there is not a $5 billion surplus in Social Security.

The second one would be a point of order against any bill that would impose a national energy tax on middle-income Americans. The reason we talk about this is cap and trade. We have to be smart about how we deal with climate change. If we don't watch it, we will create a cap-and-trade system that will be a huge burden on average, everyday Americans. Every time they flip on a light switch, there will be a sales tax. So this point of order is against an energy tax on middle-income Americans.

Madam President, with that, I yield the floor, and I look forward to discussing these amendments when I offer them tomorrow. And I thank the Senator from Texas for allowing me to speak.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Texas is recognized.

AMENDMENTS NOS. 866, 868, AND 867

Mrs. HUTCHISON. Mr. President, I am pleased the Senator from South Carolina is going to have amendments that will try to bring this budget, which is going to increase the debt in our country, down to a level that can sustain our future generations. So I am proud to work with him to try to do that.

I rise to discuss three amendments I will offer tomorrow as well. I truly believe we have made some progress today because some of the amendments that have passed will have an effect that I think will be positive on this budget.

Anywhere I go in my State, or anywhere I go in this country, people are talking about the mounting debt. It is almost breathtaking because we have never seen this kind of debt. This debt, juxtaposed against our gross domestic product, is the highest we have seen since World War II. We know that World War II and the Great Depression before that were extraordinary times. Clearly, these, too, are extraordinary times, but we have a responsibility to our country and to the hard-working people of our country, and the people who have lost their jobs in our country, to act responsibly.

We have already passed a trillion-dollar stimulus package. We passed another trillion dollars in spending just for this year, much of which was duplicative with the stimulus package. So that is $2 trillion we have obligated in the first 2 months of this year. Now we are looking at a budget that, over a 10-year period, is going to increase the debt by another $9 trillion. That is not sustainable. We are coming to a tipping point in which we will not be able to sell our debt because there will be a fear that we cannot repay it. That will be a financial crisis for sure.

So I am offering three amendments, and I would like to start with amendment No. 866. It would provide permanent marriage penalty relief. My amendment would establish a point of order against any legislation that would impose or increase a marriage penalty, which is the most egregious antifamily action in our Tax Code.

One of my highest priorities in the Senate has been to relieve American taxpayers of this punitive burden. The marriage penalty pushes married couples into a higher tax bracket than two single earners earning the same combined income. After years of fighting this issue of equity, the 2001 and 2003 tax cuts made a great stride toward eliminating the marriage penalty by lowering tax rates, doubling the standard deduction, and simplifying other elements of the Tax Code. Prior to the Bush tax cuts, an estimated 25 million couples paid a penalty for being married in 1999, amounting to approximately $1,400 per couple.

Enacting marriage penalty relief was a giant step for tax fairness. But we may lose it. Even as married couples use the money they now save to put food on the table, buy clothes for their children, or send them to college, the budget that has been proposed by the President would raise taxes on the top two income brackets, both of which still include a marriage penalty. As a result of increasing the tax rates on this bracket, the President further exacerbates the marriage penalty for married couples in those brackets, effectively reversing the progress we have made in ensuring that marriage would not be a taxable event.

The benefits of marriage are well-established. Yet, without marriage penalty relief, the Tax Code gives a disincentive for people to become married. My amendment would affirm this body's commitment to the institution of marriage by creating a point of order against any legislation that would impose or increase a marriage penalty. We should be celebrating marriage. Marriage and families are the core of our society. We should not be penalizing it.

Amendment No. 868 enacts a permanent deduction for State and local sales taxes. I have worked, since I came to the Senate, to rectify a tax inequity that plagues eight States. They are the eight States that have a sales tax but not an income tax.

Before 1986, taxpayers in these States—Texas, Washington, Nevada, Wyoming, South Dakota, Alaska, Florida, and Tennessee—had the ability to deduct their sales taxes, like every taxpaying citizen from States that impose income taxes. Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local taxes—sales taxes, that is—was eliminated.

Together, the eight States that impose sales taxes in lieu of income taxes fought to correct this injustice from 1986 until 2004, when we finally did correct it. Since then, we have provided extensions every few years, with the current extension set to expire at the end of this year. While the budget before us assumes an extension of that valuable relief for an additional 2 years—through 2011—what we really need is to make this relief permanent.

The majority leader has an amendment, which I have cosponsored, to accomplish this goal. I support his effort, and I welcome his leadership on the issue because it is an initiative that we must accomplish to ensure fairness for our constituents. He certainly was one of the leaders in correcting the inequity in 2004, and I appreciate that.

While I support his effort—I am not opposed to the approach he is taking—I do today rise to offer an alternative approach that ensures a permanent sales tax extension by actually accounting for it directly in the budget.

There is a key distinction between our amendments. The majority leader's amendment requires our States' tax equity to be paid for by other changes in the budget, whether it is spending cuts or other tax increases. I disagree that our States should have to pay for tax relief that not only pays for itself but is granted to taxpayers who do not have sales taxes but do have income taxes, or maybe they have sales taxes and income taxes. It is a fundamental issue of fairness.

While I will support any measure that makes the sales tax deduction permanent, I think we should not have to be held to a higher standard than other States when we are dealing with tax relief that really pays for itself. We should be equal in this country. The Federal Government should not be giving breaks to people who have income taxes but not the same breaks to people who have sales taxes. All the States collect taxes. They do it in different ways. The Federal Government should not pick winners and losers.

The amendment I am offering today will permanently end the discrimination suffered by the eight States that have no income tax but do have a sales tax and don't have the option of that deduction. There should be a deduction, and you should be able to choose. People in income tax States should be able to choose that as their deduction; or if they would prefer, they could also deduct sales taxes. But the people in sales tax States that don't have an income tax should have the same rights.

So I urge the adoption of amendment No. 868 when it is brought forward tomorrow.

Mr. President, I have a third amendment, No. 867. This is the Outer Continental Shelf expansion budget resolution amendment. I wish to speak in support of the amendment I have filed with my colleagues, Senators BOND, VITTER, and MURKOWSKI, which ensures that we will expand domestic offshore energy production on the Outer Continental Shelf.

Section 202 of the budget resolution directs that we reduce our dependence on foreign sources of energy by producing green jobs, promoting renewable energy development, establishing a clean energy investment fund, and encouraging conservation and efficiency. While I support these initiatives, which will play a role in making our country more energy independent, we cannot overlook our own domestic oil and gas resources in the Outer Continental Shelf, which this budget before us does.

The goal of reducing our Nation's dependence on foreign sources of oil is one on which both sides of the aisle should be able to agree. Our President has said we must reduce our Nation's imports of oil. It is irresponsible to put our economic and national security in the hands of unstable and unfriendly regimes. Today, we import over 60 percent of our energy needs, and too much of it comes from unstable and unfriendly regimes, such as Venezuela and parts of the Middle East. In 2008 alone, we spent close to $475 billion on imported oil.

This amendment I have will reduce America's dependence on foreign sources of energy, minimize future increases in gasoline prices, and help reduce the debt with new lease revenue. We must reduce our dependence on dictators, such as Hugo Chavez, who control our energy supplies. Increased domestic oil and gas production right here at home, in the waters off our shores, will help us reduce our foreign dependency and make us more energy independent, and we can do it in an environmentally safe manner.

Expanded energy production off U.S. shores will also help us minimize future price increases. With a lack of supply that could force up energy prices, increasing supply will certainly bring it back down. Some will say: Well, oil prices are low now. Why should we drill?

That is exactly the kind of attitude that will ensure that prices go up. We could sit back and wait for oil prices to go back up and then act, but we have more responsibility and hopefully more leadership in the Senate than to wait because we know that if supplies dwindle, prices will go up.

We have oil right here off our own shores. We need to use it. We are the only Nation in the world that has an abundance of energy supplies yet refuses to use them. Other nations either don't have energy supplies or they are trying very hard to get some kind of energy in their own countries. We have the capability to provide for our energy independence and we are not doing it. And we are letting down the people of our country if we don't.

So I urge support for amendment No. 867 when we vote tomorrow.

Mr. President, I just want to end by saying that I am a cosponsor of Senator MCCAIN's amendment that would be a substitute for this budget. I hope to be able to talk on the floor tomorrow about his substitute. I believe we must produce an alternative to this budget. We have certainly criticized how big it is and how much we have to borrow to pay for it and the taxes that would have to be raised. The budget currently before us spends too much, borrows too much, and taxes too much. We can do better in this country. The substitute of Senator MCCAIN and myself and other cosponsors will certainly do more in the area of bringing our budget down to a sustainable size and doing what is right for this country.

It basically freezes spending and adds as the rate of inflation, so the programs in place right now would be able to grow with inflation, but it will show the American people that we mean to cut back in the outyears of this spending so we will not increase the debt. In fact, the McCain substitute will lower the debt that is envisioned in this Obama budget by $3.9 trillion. This would be our first step toward fiscal responsibility and doing what the Senate ought to do.

I hope to talk more about the McCain substitute of which I am a cosponsor because I think it is the responsible approach and I think it is our responsibility to provide an alternative.

I ask unanimous consent to add Senator BROWNBACK as a cosponsor of marriage penalty amendment No. 866.

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

Mrs. HUTCHISON. I urge my colleagues to support these amendments when they come up, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. 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. 808

Mr. BROWN. Mr. President, I rise to discuss amendment No. 808, an amendment I will offer tomorrow that will protect seniors from identity theft. Every day, some 44 million Americans are at risk of having their identity stolen—simply because they are Medicare beneficiaries. Why is that? We have talked in Congress for years now about removing Social Security numbers from Medicare cards. I think it is time to demonstrate that we are serious about taking action on something that, when you get right down to it, is pretty simple.

It is common sense that Americans should avoid carrying their Social Security number around with them because of identity theft. In fact, the Social Security Administration itself insists citizens should not ''routinely carry . . . documents that display [their Social Security number].'' Yet Medicare cards clearly display the Medicare beneficiary's health insurance claim number, which is the Social Security number followed by a letter. So anyone interested in identity theft when stealing a purse or billfold containing a Medicare card gets the Social Security number and can then have a Social Security number and can exploit having that Social Security number.

What is worse, on the back of each card, beneficiaries are told to ''carry your card with you when you are away from home.'' Medicare says you should carry your card with you, Social Security says don't carry your Social Security number with you.

Something needs to change. It is not acceptable for the Government to be unnecessarily putting millions of Americans at risk of identity theft. That is why I will offer amendment No. 808, which will give the budget authority to make this change.

Medicare thought, back in 2005—we don't have the numbers since—that

identity theft costs the country $1.5 billion in 1 year. That is a conservative estimate.

The Congressional Budget Office says, for whatever reason, it will cost $25 million to remove Social Security numbers from all future cards, so that is the amount we have raised under pay-go in this. It is a downpayment on fully addressing this problem. We owe it to seniors to include the language in our budget. I am confident we can find the $25 million in savings by reducing waste, fraud, and abuse. That is why this amendment has the support of the Consumers Union and AARP. They both endorsed it. That is how the amendment is paid for. It is budget neutral. Let's demonstrate we are committed to protecting seniors from identity theft.

To recap, Medicare suggests to seniors they should carry their Medicare card with them at all times. Medicare has made a decision to put a Social Security number on the Medicare card. Social Security says: Don't carry your Social Security number with you because if it is stolen, whatever you have with you and that number is stolen, then you can be a victim of identity theft.

We just want a commonsense solution. We want seniors to carry their Medicare card, but we don't want seniors to be victims of identity theft, so we want to take the Social Security number off the card. Medicare could use another identification that protects seniors' confidentiality, protects privacy, and protects the public from anyone interested in identity theft from being able to get access to that Social Security number.

It is a simple amendment. I urge my colleagues to support amendment No. 808.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 840

Mr. BROWNBACK. Mr. President, I will be calling up amendment No. 840 tomorrow. It is an amendment I put forward before. It is an amendment that passed this body last year in the budget debate. We talked about it. I think it is one of the things we need to do to try to be efficient with Government programs, and effective, and to make sure that if we have waste, fraud, and abuse or duplicative programs, they get eliminated.

I draw the attention of my colleagues to a report card. I don't know if they know this, but the Federal Government itself does a report card on itself as to whether its programs are meeting the design of the programs they put forward, are meeting the criteria of the program that was put forward by the Congress, and then this is scored by the Federal Government itself and it gets a report card.

I am not very pleased to note to my colleagues and to the public that the Federal Government, giving itself a grade on this card—if you did it in A, B, C, D, you would see that the Federal Government's GPA is 1.14. A 1.14 GPA is what the Federal Government has for its own programs, whether they pass or fail this test of whether the program is duplicative, whether the program has accomplished its purpose, whether the program is effective at all.

You can go down through here and you can see—the State Department actually has the highest score that the Government grades for its programs that were reviewed, whether they are hitting the targets the program was designed to do—the highest score. They get a C-plus. You see down here we have the Labor Department, HUD, Education, all with failing scores, and D-minuses at EPA, Homeland Security; a D at Interior, HHS, Agriculture, and Justice.

This is a bad report card. It is never seen as having much significance because nothing happens at the end of the report card, unlike when I was going to school or when my kids now are in school. There is a consequence to not getting a good grade, and you try to improve it. On this one, there is kind of no consequence to it: OK. We got an F. So what? Because there is no consequence.

What I want to do is put a consequence into a Federal program failing to meet its target. And that is this amendment. It is called the Commission on Budgetary Accountability and Review of Federal Agencies; it is called CARFA. It would basically create a commission. Every 4 years, each Federal program would be reviewed. That program would be scored. If the program receives an F, it would be put in the groups of Federal programs that all get failing scores and then be required to be voted on by this body, by the House, whether the program is continued or not. So all the bundled 500 programs—however many there are—those that fail, we would have to vote whether to continue those programs or discontinue those programs altogether, no amendment, limited time period for debate, deal or no deal. Do we eliminate the wasteful programs that have failed? Do we keep them?

This is a process we have done on military bases—it has worked—on consolidating bases to ones from lower priority to higher priority ones. It has not cut military spending, but it has made it more efficient and effective. That is what we should at least be looking at in the Federal Government, to make the Federal programs more efficient and more effective. That is what this amendment would do.

I had a group of college students in today. They were talking about the need to be able to do work programs abroad, study-abroad programs, all which I think are great. They say it has a price tag of about $3 billion. Look at the deficit we are looking at. That is just way too high. But what if you said: OK, that is a good idea, or, we want to declare war on cancer—that is one I think we ought to uptick on this, saying we want to get a country where within a decade there are no longer deaths by cancer in the United States. If you decide to take care of yourself, the right treatments, this is treated as a chronic disease, not as a death sentence. That is something worth investing in.

Typically, what we do here is say: OK, let's just put it in the stack and we will see if we can get at it. It goes along with all the other programs, even though these programs are failing, and we just try to add it on. What if we said we are going to take out the failing programs within these agencies we are going to eliminate them and take that money and put it on higher priority programs like a war on cancer, like maybe it is work experience abroad. I don't know if that is it or maybe it is green jobs and new energy, a big energy project. We want to get more energy production from the United States. Great, let's eliminate those that have not worked and take that money and spend it on programs that are higher priority.

Maybe these are programs that have accomplished their purposes. We don't need them anymore. It is a novel notion that maybe the Federal Government started a program and it actually accomplished its purposes and we don't need it anymore, so we should move on past it. Yet the way the budget process so often works, the appropriations process works, once it gets in, it never leaves. It just continues on and on rather than us reappraising it or saying is it really meeting the need or is it not meeting the need. This is the way we get at waste, fraud, and abuse, duplication, and programs that have accomplished their purposes.

Everybody here in this body would declare themselves against waste, fraud, and abuse in the Federal Government and say we are going to get to the bottom of this program and we are going to make sure it is efficient and effective. We have heard that from President Obama. Frankly, we hear it from every President who gets into office, that they are going to get at the bottom of this and they are going to make sure these programs are working, efficient and working. Yet the Federal Government, giving itself its own scorecard after President after President said this—and we have a 1.14 grade average, most of the programs failing to be able to do that—they say: Well, so? What are you going to do about it? We are going to continue to get our funding next year anyway.

This is conservative Presidents, this is liberal Presidents who come in. We are always going to create and make a better system and we are going to stop this wastefulness, and it just doesn't happen. This would get added by putting a procedure in place, a required procedure that would cause these programs to be effective or face the consequences. This is sensible, bipartisan, good-government, an efficient way to move forward. It will work, and it is something we need to do.

In closing, I ask that my colleagues would look at this program, and if we get it passed again this year—not strip it out in the conference report, that we would actually do something like this—it would send a notice of credibility to the American public that we are actually going to go at programs, and if they don't work, we are actually going to pull them out. Right now, the public does not believe we will do that. This creates a mechanism, a culling process that we eliminate those, and we could have some credibility with the public that we are going to eliminate programs that don't work, that have waste, fraud, and abuse within them. We have had good bipartisan support of this idea and this proposal in the past. I hope we could have it again in this budget proposal.

Overall on the budget, I still think we are going seriously the wrong way. I did a townhall meeting, tele-townhall meeting last night in my State, talking about the budget. People are not satisfied at all with this process. They think there is way too much deficit spending in it. They think it is failing to hit the mark. They are very upset about a lot of the payouts for big entities. They are saying: What about us? Who is taking care of us? They look at those deficit numbers and the tax increases that are probably going to come behind them, and they just don't like it. They do not agree with it, and they do not think that is a way to move forward as a country; that what we ought to do is really get our house in order.

I am pleased to see people putting forward other options for how they can deal with the budget and with the deficit. I urge my colleagues to vote against this one, and let's start over. Let's get one where we can have bipartisan agreement. Let's get one that cuts back on that deficit. Let's get one that doesn't raise taxes on Americans. Let's get one that can really help us move forward in this crisis we are in today rather than this one that is highly partisan, deficit oriented, tax increase oriented, and is not supported by the vast majority of the American public.

I yield the floor.

Mr. DURBIN. Mr. President, I am pleased to support the Kerry/Lugar amendment that restores the full amount of the President's request for the international affairs budget.

The Budget Committee has recommended a cut of $15 billion out of $540 billion from total nondefense discretionary spending—a reduction of 2.8 percent. But it has recommended a $4 billion cut out of $53.8 billion from the international affairs account—a reduction of more than 7 percent.

The foreign affairs account, already relatively small in the overall budget, is being asked to carry more than double the percentage spending cut than the rest of nondefense discretionary spending.

Furthermore, the small investment in our overseas engagement is barely 1.5 percent of the entire proposed Federal budget and only 6.8 percent of the national security budget, which includes defense and homeland security. Even at this level of spending, the international affairs budget represents only 0.35 percent of GDP.

Our foreign affairs account is modest compared to what many other similarly wealthy nations spend on such programs.

As we take stock of America's image in the world, it is clear that we need to do more to improve the lives of the world's poor and help stabilize fragile governments and economies.

America's generosity and ability to help other countries are becoming more important to the effectiveness our foreign policy. In many cases our own security depends on the stability of far-flung places beyond our borders.

With this relatively small account, the international affairs budget funds programs that: reduce tensions with other nations through diplomacy and engagement; lift millions out of poverty through educational, health, and economic programs; bring clean water and sanitation to the world's poor; strengthen fragile democracies and weak states; help with humanitarian, refugee and peacekeeping needs; and send some of most talented Americans to work in some of the most difficult corners of the planet.

At a time when the need for such engagement is stark, we haven't made the investment we need in these critical foreign policy tools.

For example, America's lead development agency, the U.S. Agency for International Development, at one point in its history had more than 5,000 full time Foreign Service officers working on health, education, agricultural, and political development around the world.

Today, while engaged in a global war of ideas and values, USAID has just over 1,000 Foreign Service officers. Its budget in real dollars has been cut by almost a quarter from a high in the 1980s.

Similarly, the Peace Corps, one of our most successful programs at both sharing American values and assistance while also exposing our young people to the people and cultures of other worlds, has seen its budget in real dollars cut by almost 40 percent since its inception in 1967.

At a time when more failed states are in need of international peacekeeping missions, the United States is millions of dollars in arrears in U.N. peacekeeping dues.

This budget is an essential component of our national security. Defense Secretary Gates has said:

> The problem is that the civil side of our government—the Foreign Service and foreign-policy side, including our aid for international development—[has] been systematically starved of resources for a quarter of a century or more . . . We have not provided the resources necessary, first of all, for our diplomacy around the world; and second, for communicating to the rest of the world what we are about and who we are as a people.

Secretary of State Hillary Clinton echoed,

> The relatively small but important amount of money we do spend on foreign aid is in the best interests of the American people'' and ''promotes our national security and advances our interests and reflects our values.

The 2006 National Security Strategy, the Quadrennial Defense Review, and the 9/11 Commission all support increased investment in America's diplomatic and development capabilities.

As the Obama administration works to address multiple difficult and dangerous international problems, we have to fully fund the basic tools needed for such engagement.

Last year, 73 Senators, including 24 Republicans, voted for an amendment to restore the international affairs budget to the level requested by the President. The bipartisan message was clear we must continue to invest in our country's international affairs programs.

America's international affairs programs are as important foreign policy tools as diplomacy and defense. Let's make sure they are funded as such.

Mr. KYL. Mr. President, last fall, in a debate with my Arizona colleague, Senator MCCAIN, President Obama decried the ''orgy of spending and enormous deficits'' that occurred under President Bush.

At a recent press conference, the President told us that America must shun the ''borrow and spend'' policies of the past and embrace plans to ''save and invest.'' I agree that we have to curtail Government spending now to protect future generations from historic debt.

So why, after denouncing deficit spending, is President Obama proposing to borrow and spend more than any President ever? His budget is not only the biggest in history; it also creates more debt than the combined debt under every President since George Washington.

Senator MCCAIN told us during the campaign that spending and deficits are two sides of the same coin, that President Obama's spending promises would raise deficits to unsustainable levels; and that huge tax hikes—and not just for the wealthy—would be required to pay for it all.

Now, the President's own Office of Management and Budget Director Peter Orzag has confirmed what Senator MCCAIN said all along, that: the budget will lead to ''rising debt-to-gross domestic product ratios in a manner that would ultimately not be sustainable.''

Let's consider some numbers to put that into perspective.

Last year we had a $459 billion deficit. The Congressional Budget Office now projects it will more than triple this year, to $1.669 trillion deficit. This budget will double the public debt in 5 years and triple it in 10. This budget does not contemplate one-time investments followed by years of reduced

spending. Instead, billions in new outlays will continue indefinitely. So it is not just about massive spending, but about the permanent accruement of power in Washington.

After bottoming out at $658 billion in 2012—a level still more than 40 percent above the highest deficit during the Bush administration—the Congressional Budget Office projects the total debt to increase to $9.2 trillion in 2019, or 82.4 percent of GDP! The Washington Post recently editorialized, ''President Obama's budget plan would have the government spending more than 23 percent of gross domestic product throughout the second half of the this decade while collecting less than 19 percent in revenue.''

Is this the legacy we want to leave for the next generation? Unprecedented debt?

And let's not forget the finance charges. Beginning in 2012 and every year thereafter, the Government will spend more than $1 billion per day paying finance charges to holders of U.S. debt.

What does this mean for the average American family? Federal spending on finance charges for our Government's debt will be about $1,500 per household for 2009. Under President Obama's budget, this number would soar to nearly $5,700 per household by 2019. The interest on the national debt would be so big that it would be the largest single expenditure item in the budget by 2019.

Then there are the tax increases this budget contemplates. President Obama said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by $1.4 trillion over 10 years. It not only lets some of the existing tax rates expire—thus raising taxes—but implements a new $646 billion energy tax that will impact every American household—regardless of income—and is estimated to increase energy costs for every family by $3,168 annually. And it's described as a ''down payment,'' meaning there is more to come.

What about President Obama's suggestion that this deficit spending constitutes ''investments'' for the future? Most of us would agree that short-term deficits are sometimes necessary to help finance future prosperity. As Stephen Moore writes in the latest Weekly Standard, ''The 1980s deficits were probably one of the highest-return investments in American history. We bought a victory over the Evil Empire in the Cold War and borrowed to finance reductions in tax rates that launched America's greatest period of wealth and prosperity: 1982–2007.''

But much of the new spending in this year's budget is not what the IRS or a well-run business would classify as an investment. Most of it is earmarked for services whose long-term value is difficult to measure.

I'll quote Stephen Moore's article again: ''The debt we are now incurring is paying for windmills . . . new cars for federal employees, weatherizing homes, high-speed trains to nowhere, and the like. It buys almost nothing of long-term economic benefit.''

Senator MCCAIN was right. President Obama has promised to spend so much that we are looking at record deficits and tax increases on everyone just to start paying for it all. We need to get a handle on this budget before it is too late.

Mr. BYRD. Mr. President, I thank the chairman of the Budget Committee and his staff for their hard work on this year's budget resolution.

I regret, however, that the discretionary spending level is less than President Obama's request. The Obama administration, to its great credit, recognizes the serious consequences of the previous administration's lack of investment in American infrastructure. I will continue to support President Obama's full discretionary budget request. I look forward to working with the chairman of the Budget Committee on this matter as the resolution moves forward.

I also compliment the chairman for making the right decision to forego reconciliation instructions in this budget. Unfortunately, the House budget resolution does include reconciliation instructions, and that should be of concern to every Senator.

The House provisions open the door in conference to language requiring as many as five Senate committees to report reconciliation legislation—the Commerce, Science, and Transportation Committee, the Energy and Natural Resources Committee, the Finance Committee, the Environment and Public Works Committee, and the Health, Education, Labor, and Pensions Committee. While the House reconciliation instructions are ostensibly for health reform and education bills, they could also be used to report other bills under the jurisdictions of those committees—including climate legislation—as long as the bill complies with the budget's net deficit reduction instructions. Whatever legislation those committees decide to report, their bills would require only 51 votes for Senate passage. Under the Budget Act, debate is limited to 20 hours, and amendments are sharply curtailed.

I am one of the authors of the reconciliation process. Its purpose is to adjust revenue and spending levels in order to reduce deficits. It was not designed to cut taxes. It was not designed to create a new climate and energy regime, and certainly not to restructure the entire health care system. The ironclad parliamentary rules are stacked against a partisan minority, and also against dissenting views within the majority caucus. It is such a dangerous process that in the 1980s, the then-Republican majority and then-Democratic minority adopted language, now codified as the Byrd Rule, intended to prohibit extraneous matter from being attached to these fast-track measures. The budget reconciliation process will not air dissenting views about health and climate legislation. It will not allow for feedback from the people or amendments that might improve the original proposals.

If there are rules—such as the Byrd Rule—that frustrate Senators, I hope that they will take the time to understand that those rules exist for a reason. They protect every Senator, regardless of whether they are in the majority or minority party, because even a Democrat in the majority today may have a viewpoint in the minority tomorrow.

I understand the White House and congressional leadership want to enact their legislative agenda. I support a lot of that agenda, but I hope it will not require using the reconciliation process. Again, I commend the chairman of the Budget Committee for excluding reconciliation instructions, and look forward to working with him to ensure those instructions are not included in conference.

Mr. LEAHY. Mr. President, I am in strong support of the amendment offered by Senators KERRY and LUGAR which I and many other Senators on both sides of the aisle have cosponsored to restore $4 billion to the international affairs function of the budget.

This amendment would not have any effect on the top line for nondiscretionary spending. It is budget neutral.

We have two choices. Cut $4 billion from the President's Fiscal year 2010 budget for national security and diplomacy programs as the budget resolution would do, or restore those funds, as the Kerry-Lugar-Leahy-Durbin amendment would do, and which both the Secretary of State and the Secretary of Defense have said is vital.

This $4 billion is an insignificant amount when it comes to having an appreciable effect on the deficit over the long term, but it will pay immediate dividends in restoring United States influence around the world where it is desperately needed.

The difference we are talking about is whether to freeze funding for international assistance programs at the 2009 level, or to step up to the plate and fund the initiatives President Obama, and Members of Congress of both parties, have recognized are urgently needed.

These funds will be used to put the United States back in the driver's seat on climate change. They will support the increases for Pakistan and Afghanistan that the Secretary of Defense says are critical elements of our counterterrorism strategy there. It is not just a military strategy. It is also a diplomatic and development strategy.

These are the funds to support that. They will support treatment for millions of people infected with HIV/AIDS. Lifesaving drugs that represent the best of America.

Years from now, countries in Africa, South Asia, the Middle East, and Central Asia will remember what we do today. China is expanding its influence

around the globe. We can step back and watch that happen, or we can show once again that the United States is going to lead by example.

Not very long ago we had that chance with Russia. But rather than look for ways to put past hostilities and distrust behind us and embark on a new relationship, we sought to take advantage in ways that exacerbated that distrust.

Today the relationship is a far cry from what it could and should be, and it will require significant investments in diplomacy to rebuild it.

We can lead in the world, we can build new alliances and work to solve conflicts, promote stability and develop new markets, or we can turn inward. That is the choice we face with this amendment. We are part of a global economy. We face grave challenges, from al-Qaida in Pakistan to drug cartels in Mexico. Climate change threatens the survival of species in ways that may profoundly affect our own survival not fifty million years from now, but within the lifetimes of our children and grandchildren.

This is no time to trifle with the need for American leadership. I thank all Senators for supporting this amendment.

Ms. SNOWE. Mr. President, I rise today in support of the passage of a truly bipartisan amendment to the budget resolution that Senator CARDIN and I are introducing. This vital amendment would address the Government Accountability Office's, GAO, recent recommendations to improve the Small Business Administration's, SBA, management and oversight of the Historically Underutilized Business Zone, HUBZone Program and ensure that only eligible firms participate in this crucial program.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the HUBZone Program, which provides Federal contracting assistance to small firms located in economically distressed areas, with the intent of stimulating economic development and job creation. According to the GAO, as of February 2008, 12,986 certified businesses have participated in the HUBZone Program, since its inception in 1997. And in fiscal year 2007 alone, over 4,200 HUBZone firms obtained approximately $8.5 billion in Federal contracts. During these troubling financial times, the HUBZone Program is an essential tool in helping small businesses drive our national economic recovery.

Unfortunately, the GAO recently found in its three reports—Small Business Administration: Additional Actions Are Needed to Certify and Monitor HUBZone Businesses and Assess Program Results, GAO–08–643; HUBZone Program: SBA's Control Weaknesses Exposed the Government to Fraud and Abuse, GAO–08–964T; and HUBZone Program: SBA's Control Weaknesses Exposed the Government to Fraud and Abuse, GAO–08–964T—that the mechanisms that the SBA uses to certify and monitor HUBZone firms provide limited assurance that only eligible firms participate in the program. The GAO report found that of 125 applications submitted in September of 2007, the SBA only requested supporting documentation, which helps to clarify the eligibility of the business, for 36 percent of the applications and only conducted a single site visit for all 125 applicants. While the SBA's policies and procedures require program examinations, the agency only conducts them on 5 percent of certified HUBZone firms each year. This is a glaring lack of oversight that must be rectified.

The amendment we introduce today would take immediate steps to correct the lack of effective administrative oversight by incorporating all recommendations that GAO provided for improving the HUBZone Program. This measure would require more routine and consistent supporting documentation during the program's application process. In its report, the GAO found that the SBA relies on Federal law to identify qualified HUBZone areas, but the map it uses to publicize HUBZone areas is inaccurate, and the economic characteristics of designated areas vary widely. Our amendment would require that the SBA take immediate steps to correct and update the map that the SBA uses to identify HUBZone areas and implement procedures to ensure that the map is accurately updated with the most recently available data on a more frequent basis.

The GAO also found that the mechanisms that the SBA uses to certify and monitor firms provide limited assurance that only eligible firms participate in the program. It reported that more than 4,600 firms that had been in the program for at least 3 years went unmonitored. This amendment would require the SBA to develop and implement guidance to more routinely and consistently obtain supporting documentation and conduct more frequent site visits, as appropriate, to ensure that firms applying for certification are indeed eligible. These commonsense, achievable steps would help to eliminate participant fraud and misrepresentation and ensure that firms applying for HUBZone certification are truly lawful and eligible businesses.

In its reports, the GAO illustrates the SBA lack of a formal policy on how quickly it needs to make a final determination on decertifying firms that may no longer be eligible for the HUBZone Program. According to the GAO, of the more than 3,600 firms proposed for decertification in fiscal years 2006 and 2007, more than 1,400 were not processed within 60 days—the SBA's targeted timeline. As a result of these weaknesses, there is an increased risk that ineligible firms have participated in the program and had opportunities to receive Federal contracts based on their HUBZone certification. This failure in oversight hurts new and deserving firms in their quest to receive assistance through the HUBZone Program, which is the last thing we need during these challenging and perilous economic times. Our amendment would require the SBA to formalize and adhere to a specific timeframe for processing firms proposed for decertification in the future, as well as require further developed measures in assessing the effectiveness of the HUBZone Program.

Moreover, the Federal Government must strive to continue to provide additional contracting opportunities to those who are legitimate HUBZone firms. I am dismayed by the myriad ways that Government agencies have time and again egregiously failed to meet most of their small business contracting goals. I am alarmed that only one Federal small business contracting program—the Small Disadvantaged Business Program—has met its statutory goal and that the three other small business goaling programs have all fallen drastically short. For example, in fiscal year 2007, the HUBZone Program met only 2.2 percent of its 3 percent Government-wide goal. The Federal Government can and must provide more to our country's hard-working small businesses, and I am confident that this amendment will pave the way for more qualified firms to receive HUBZone assistance. In my home State of Maine, only 127 of 41,026 small businesses are qualified HUBZone businesses. HUBZones represent a tremendous tool for replacing lost jobs across all industry sectors in distressed geographic areas—clearly, this program should be better utilized.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

LAS VEGAS CONVENTION CENTER 50TH ANNIVERSARY

Mr. REID. Mr. President, 50 years ago—April 12, 1959—the Las Vegas Convention Center opened its doors for the first time. The first event at the new convention center was the World Congress of Flight's air and space show. Attracting 7,500 attendees, this was the first-ever international air show in American history, attracting the participation of 51 foreign nations. Originally 1.5 million square feet, the convention center has grown over the years to accommodate its popularity to a current size of 3 million square feet.

Today, the Las Vegas Convention Center is a major part of Nevada's culture and a force for job creation and economic growth. More than 46,000 jobs are directly related to the meetings